

### 2013 DRAFTING REQUEST

#### Bill

Received: **3/25/2013** Received By: **pkahler**  
 Wanted: **As time permits** Same as LRB:  
 For: **Frank Lasee (608) 266-3512** By/Representing: **Rob Kovach**  
 May Contact: Drafter: **pkahler**  
 Subject: **Real Estate - landlord/tenant** Addl. Drafters: **agary**

Extra Copies:

Submit via email: **YES**  
 Requester's email: **Sen.Lasee@legis.wisconsin.gov**  
 Carbon copy (CC) to: **Fern.Knepp@legis.wisconsin.gov**

#### Pre Topic:

No specific pre topic given

#### Topic:

Miscellaneous landlord/tenant provisions, modifications to provisions enacted last session, and allowing towing of vehicles parked on posted property

#### 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 4/26/2013	scalvin 4/29/2013	rschluet 4/29/2013	_____			
/1				_____	srose 4/29/2013	srose 4/29/2013	Local

FE Sent For:

<END>

→ At Intro.

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← add

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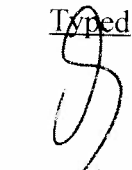
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Instructions:

See attached

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Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	pkahler	1/ sac 04/29/2013		==			

4/26/13

FE Sent For:

<END>

**Kahler, Pam**

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**From:** Kovach, Robert  
**Sent:** Monday, March 25, 2013 1:12 PM  
**To:** Kahler, Pam  
**Subject:** New Landlord bill

Dear Pam,

Can you help me with a project?

I'm not sure if you are already working on this for another legislator, but I need to get these changes into drafting:

## **LANDLORD-TENANT LAW LEGISLATIVE GOALS AND PRIORITIES**

### **TRAILER BILL**

The trailer bill list includes quick corrections and fine-tuning modifications of measures enacted in March 2012.

1. Remove the first sentence of § 704.95 altogether. Would accept its application to § 704.28 (security deposits) and § 704.44 (illegal rental agreement provisions) because some believe that was the original intent.
  - a. § 704.95 **Practices regulated by the department of agriculture, trade and consumer protection.** The department of agriculture, trade and consumer protection may not issue an order or promulgate a rule under s. 100.20 that changes any right or duty arising under this chapter.
  - b. § 704.28(5) **REGULATED PRACTICES** Practices in violation of this section may constitute unfair methods of competition or unfair trade practices under s. 100.20.
  - c. § 704.44(10) **REGULATED PRACTICES** Practices in violation of this section may constitute unfair methods of competition or unfair trade practices under s. 100.20.
2. Modify the crime commission item in § 704.44 to delete (9).
  - a. 704.44 **Residential rental agreement that contains certain provisions is void.** Notwithstanding s. 704.02, a residential rental agreement is void and unenforceable if it does any of the following: ...
3. 704.08 **check-in sheet.** A landlord shall provide to a new residential tenant when the tenant commences his or her occupancy of the premises a check-in sheet which the tenant may use to note any comments about the condition of the premises. The tenant shall be given 7 days from the date the tenant commences his or her occupancy to complete the check-in sheet and return it to the landlord. The landlord is not required to provide the check-in sheet to a tenant upon renewal of a rental agreement. ...
  - a. The references to the landlord having an obligation to complete the check in sheet and describe the property condition should be completely removed. The terminology should be modified to remove the words "information" and "standardized" as modifiers of "check in sheet."
4. The application of the new Wis. Stat. § 704.28 and its provisions regarding security deposits in **commercial** scenarios is not acceptable.
  - a. § 704.28(6) **RESIDENTIAL TENANCIES** The provisions of this section shall apply only to residential tenancies.

5. Wis. Stat. § 704.28(2) **Nonstandard Rental Provisions**: restore ability of tenant to initial or sign (currently must sign) Nonstandard Rental Provisions authorizing withholding from the security deposit.

(2) NONSTANDARD RENTAL PROVISIONS. Except as provided in sub. (3), a rental agreement may include one or more nonstandard rental provisions that authorize the landlord to withhold amounts from the tenant's security deposit for reasons not specified in sub. (1)(a) to (e). Any such nonstandard rental provisions shall be provided to the tenant in a separate written document entitled "NONSTANDARD RENTAL PROVISIONS." The landlord shall specifically identify and discuss each nonstandard rental provision with the tenant before the tenant enters into a rental agreement with the landlord. If the tenant signs or initials a nonstandard rental provision, it is rebuttably presumed that the landlord has specifically identified and discussed the nonstandard rental provision with the tenant and that the tenant has agreed to it.

6. Wis. Stat. § 704.07(2)(bm)1 re: the **disclosure of code violations** if the landlord has "actual knowledge" of the violation. Concern that this is problematic from a proof standpoint. The group wants the "actual knowledge" terminology removed and to instead use language along the lines of Wis. Admin. Code § ATCP 134.04(2)(a): "All uncorrected building and housing code violations of which the landlord has received notice from code enforcement authorities, and which affect the individual dwelling unit and common areas of the premises." Rewrite Wis. Stat. § 704.07(2)(bm)1 to read something like: 1. The landlord has received notice from code enforcement authorities of the violation.
7. Wis. Stat. § 799.40(1m) **Eviction actions**. Acceptance of Rent: "If a landlord serves a notice terminating the tenancy of a tenant or commences an action under this section against a tenant whose tenancy has been terminated for failure to pay rent or for any other reason, the action under this section may not be dismissed solely because the landlord accepts past due rent or other payment from the tenant after the termination of the tenant's tenancy."
8. **21 day trigger in § 704.28.**  
(4) TIMING FOR RETURN. A landlord shall deliver or mail to a tenant the full amount of any security deposit paid by the tenant, less any amounts that may be withheld under subs. (1) and (2), within 21 days after any of the following:  
(a) If the tenant vacates the premises on the termination date of the rental agreement, the date on which the rental agreement terminates.  
(b) If the tenant vacates the premises before the termination date of the rental agreement, the date on which the tenant's rental agreement terminates or, if the landlord rerents the premises before the tenant's rental agreement terminates, the date on which the new tenant's tenancy begins.  
(c) If the tenant vacates the premises after the termination date of the rental agreement, the date on which the landlord learns that the tenant has vacated the premises.  
(d) If the tenant is evicted, the date on which the tenant's rental agreement terminates or, if the landlord rerents the premises before the tenant's rental agreement terminates, the date on which the new tenant's tenancy begins.

9. **Notice for Disposal of Tenant Personal Property at Inception or Renewal**

Wis. Stat. § 704.05(bf)

Notice that landlord will not store property. If the landlord does not intend to store personal property left behind by a tenant, except as provided in par. (am), the landlord shall provide written notice to a tenant when the tenant enters into, or when the tenant renews, a rental agreement that the landlord will not store any items of personal property that the tenant leaves behind when the tenant removes from the premises, except as provided in par. (am). Notwithstanding pars. (a), (am), and (b), if the landlord does not provide to a tenant the notice required under this paragraph, the landlord shall comply with s. 704.05, 2009 stats., with respect to any personal property left behind by the tenant when the tenant removes from the premises.

**10. Modify Disposal of Personal Property By Landlord in Evictions to Mirror the New § 704.05(5) NEED LANGUAGE**

Modify Wis. Stat. § 799.45(3)(am) to provide that when the landlord removes property left on the premises that the landlord can follow a procedure similar to the process for disposal of property found in the revised § 704.05(5). Assume that the landlord's removal of the personal property would be subject to sheriff supervision.

**Rob Kovach**

Policy Advisor/Committee Clerk  
Office of Senator Frank Lasee  
(608) 266-3512

**Kahler, Pam**

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**From:** Kovach, Robert  
**Sent:** Monday, March 25, 2013 1:16 PM  
**To:** Kahler, Pam  
**Subject:** "New" Bills in the same category

Dear Pam,

Here are some "new" bill ideas that I need to put in the hopper. We might wrap them together as another package like last session, but we might take some of them out.

Can you help get these bills started?

Thanks!

## **NEW BILL(S)**

1. **Bedbugs.**

If the tenant causes an insect/rodent infestation and the landlord can prove that the infestation was caused by the tenant then the tenant is responsible for all costs incurred for eradication and other damages.

Language was added to Wis. Stat. § 704.07(3) as follows: "DUTY OF TENANT. (a) If the premises are damaged by the negligence or improper use of the premises by the tenant, including, but not limited to, an infestation of pests or insects, the landlord may elect to allow the tenant to repair or remediate the damage and restore the appearance of the premises by redecorating. However, the landlord may elect to undertake the repair, remediation or redecoration, and in such case the tenant must reimburse the landlord for the reasonable cost thereof; the cost to the landlord is presumed reasonable unless proved otherwise by the tenant."

2. **Prohibit Municipal Limitations on Responsibility for Damages to the Premises.**

PROPOSED NEW STATUTE. Wis. Stat. § 66.10xx Responsibility for damage to premises.

No city, village or town may enact or enforce any ordinance that places any limitations on a residential tenant's responsibility for, and a residential landlord's right to recover for, any damage, waste or neglect of the premises resulting from the tenant's negligence or improper use of the premises, or for any other costs, expenses, fees, payments or damages for which the tenant is responsible under the rental agreement or applicable law.

3. **Allowing Single Member to Appear for LLC in Eviction/Small Claims Cases**

Wis. Stat. § 799.06 Actions; how commenced, pleadings, appearances.

(2) A person may commence and prosecute or defend an action or proceeding under this chapter and may appear in his, her or its own proper person or by an attorney regularly authorized to practice in the courts of this state. Under this subsection, a person is considered to be acting in his, her or its own proper person if the appearance is by a full-time authorized employee of the person. A single member limited liability company may commence and prosecute or defend an action or proceeding under this chapter and appear by its sole member. An assignee of any cause of action under this chapter shall not appear by a full-time authorized employee, unless the employee is an attorney regularly authorized to practice in the courts of this state.

4. **Prohibit Municipal Requirements for Landlord Distribution of Materials to Tenants**

PROPOSED NEW STATUTE: Wis. Stat. § 66.10xx Landlord Distribution of Materials.

(1) In this section, "political subdivision" has the meaning given in s. 66.1011(1m)(e).

(2) A political subdivision may not enact or enforce an ordinance that imposes a requirement on a landlord to communicate to tenants any information not required under federal or state law.

5. **Towing vehicles illegally parked in posted area.**

Proposed modification to existing statute:

Wis. Stat. § 349.13(3m)

A vehicle not authorized to park on a private parking lot, private street or private facility may be towed immediately without the permission of the vehicle owner, with or without the issuance of a formal complaint and citation for illegal parking issued by a traffic or police officer where the property is properly posted, or upon formal complaint and a citation for illegal parking issued by a traffic or police officer if not posted. Proper posting includes clearly visible notice that it is private property and that vehicles not authorized to park can be immediately towed.

6. **Allowing Agent or Manager of an Owner to File an Eviction Action**

Wis. Stat. § 799.40 Eviction actions.

(1) When commenced. A civil action of eviction may be commenced by a person entitled to the possession of real property, or such person's agent authorized in writing, to remove therefrom any person who is not entitled to either the possession or occupancy of such real property.

7. Create **Civil liability exception for landlord references** (PROPOSED NEW STATUTE) (similar to § 895.487 regarding employment references) to provide civil immunity for landlord references.

895.62 Civil liability exemption; landlord references.

895.62(1) In this section:

(a) "Reference" means a written or oral statement about an applicant for residency whose rental performance includes but is not limited to payment history, conformance to lease requirements, conformance to local and state laws, factual statements regarding any lease enforcement actions including notices given under § 704.19 or § 710.15 and any factual statement about the settlement of a dispute between the landlord and tenant pursuant to any agreement between the landlord and tenant relating to the termination of tenancy.

(b) "Tenant" means a residential tenant regardless of the rental period.

(2) A landlord who, on the request of an applicant for residency or a prospective landlord of the applicant, provides a reference to that prospective landlord is presumed to be acting in good faith and, unless lack of good faith is shown by clear and convincing evidence, is immune from all civil liability that may result from providing that reference. The presumption of good faith under this subsection may be rebutted only upon a showing by clear and convincing evidence that the landlord knowingly provided false information in the reference or that the landlord made the reference maliciously.



**Rob Kovach**

Policy Advisor/Committee Clerk  
Office of Senator Frank Lasee  
(608) 266-3512

## **Kahler, Pam**

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**From:** Kovach, Robert  
**Sent:** Thursday, April 18, 2013 11:28 AM  
**To:** Kahler, Pam  
**Subject:** RE: companion bill

Thanks, Pam!

With John from Stroebel's in the lead on this, I can wait for the companion when we get all of the additions/changes done.

## **Rob Kovach**

Policy Advisor/Committee Clerk  
Office of Senator Frank Lasee  
(608) 266-3512

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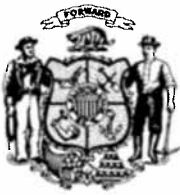
**From:** Kahler, Pam  
**Sent:** Thursday, April 18, 2013 11:21 AM  
**To:** Kovach, Robert  
**Subject:** companion bill

Hi, Rob:

I know you want a companion bill for the omnibus landlord/tenant draft. I will get one out to you as soon as it is out of editing with the expedited eviction action rolled in.

Pam

*Pamela J. Kahler*  
*Legislative Attorney*  
*Legislative Reference Bureau*  
608-266-2682



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-103111

PJK/ARG/PJH:sac:ct

1983/1

Stays

2013 BILL

(4-26)  
nd/franges

gen cat

1 AN ACT *to repeal* 704.28 (4) (d), 704.44 (9), 799.45 (3) (am) 1., 799.45 (3) (am) 2.,  
2 799.45 (3) (am) 3., 799.45 (3) (am) 4., 799.45 (3) (am) 5., 799.45 (3) (am) 6. and  
3 799.45 (3) (am) 7.; *to renumber and amend* 66.0104 (3), 349.13 (3m) and  
4 799.45 (3) (am) (intro.); *to amend* 349.13 (5) (b) 2., 349.13 (5) (c), 704.05 (5) (a)  
5 1., 704.05 (5) (bf), 704.07 (2) (bm) 1., 704.07 (3) (a), 704.08, 704.28 (2), 704.28  
6 (4) (b), 704.95, 799.05 (3) (b), 799.06 (2), 799.12 (2), 799.20 (4), 799.206 (3),  
7 799.40 (1), 799.40 (1m), 799.42, 799.44 (2), 799.45 (title), 799.45 (1), 799.45 (2)  
8 (b), 799.45 (2) (bg), 799.45 (2) (c), 799.45 (3) (title), 799.45 (3) (a), 799.45 (3) (b),  
9 799.45 (3) (c) and 799.45 (4); and *to create* 66.0104 (2) (c), 66.0104 (2) (d),  
10 66.0104 (3) (b), 349.13 (3m) (a), (c), (d) and (e), 704.28 (5) and 895.489 of the  
11 statutes; **relating to:** miscellaneous provisions related to rental and vehicle  
12 towing practices and eviction proceedings, prohibitions on enacting ordinances

**BILL**

1 that place certain limitations or requirements on landlords, providing an  
2 exemption from emergency rule procedures, granting rule-making authority.

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***Analysis by the Legislative Reference Bureau***

***Provisions relating to landlords and tenants***

This bill makes a number of miscellaneous changes to the statutes related to landlords and tenants, including the following:

1. Under current law, if a tenant removes from the rental premises and leaves personal property behind, in the absence of written agreement to the contrary, there is a presumption that the tenant has abandoned the personal property, and the landlord may dispose of it in any way that the landlord determines is appropriate, with the exception of prescription drugs, which the landlord must hold for seven days before disposing of it. If the landlord does not intend to store the property, the landlord must provide written notice of that fact to the tenant when the tenant enters into or renews a rental agreement. Also under current law, if a tenant is evicted from the premises and a writ of restitution is delivered to the sheriff, the sheriff executes the writ by removing the defendant, who is the tenant, and the defendant's personal property. However, in counties other than Milwaukee County, the plaintiff, who is the landlord, may notify the sheriff that the plaintiff or his or her agent will remove and store the property. Current law provides specific requirements for storage of the property and notice to the defendant, regardless of whether the sheriff or the plaintiff removes the personal property.

Under this bill, if a tenant is evicted from the rental premises, the sheriff executes a writ of restitution in the same manner as under current law. If the sheriff removes the personal property, the requirements under current law as to storage and notice to the defendant apply. The bill provides that a plaintiff in any county may notify the sheriff that the plaintiff or his or her agent will remove the personal property, in which case the provisions under current law that apply to personal property that is left behind if the tenant removes from the premises apply. There is a presumption that the defendant has abandoned the property and, in the absence of a written agreement to the contrary, the plaintiff may remove and dispose of the property in any manner that the plaintiff determines is appropriate, except for prescription drugs, which must be held for seven days before disposal. The bill provides that, if the landlord does not intend to store any property left behind, either if the tenant removes from the premises or is evicted, the landlord must provide written notice to the tenant when the tenant enters into or renews a rental agreement or at any other time before the tenant removes from or is evicted from the premises. If the landlord has not done that, the landlord may not dispose of the property in any manner that the landlord determines is appropriate, manner but must follow the notice, storage, and sale requirements that applied under former law when a tenant removed from the premises and left personal property behind.

2. Under current law, if an employee or a prospective employer of an employee requests an employer to provide a reference about the employee's job performance

**BILL**

or qualifications, the employer is exempt from civil liability for providing the reference. The bill provides a landlord with an exemption from civil liability for providing a reference about the rental performance of an applicant for tenancy if the applicant or a prospective landlord of the applicant requests the landlord to provide the reference. As under current law for employers, there is a presumption that the landlord is acting in good faith. The presumption may be overcome only by clear and convincing evidence that the landlord knowingly provided false information in the reference or made the reference maliciously.

3. Current law provides that, if a tenant damages the premises through negligence or improper use of the premises, the tenant must repair the damage. However, the landlord may elect to do the repair, in which case the tenant must reimburse the landlord. The bill specifically provides that an infestation of insects or other pests may constitute damage to the premises and that, if the premises are damaged by the acts or inaction of the tenant, the landlord may elect to allow the tenant to remediate or repair the damage or may elect to remediate or repair the damage himself or herself, in which case the tenant must reimburse the landlord.

4. Under current law, a landlord must disclose to a prospective tenant any building or housing code violation to which certain specified criteria apply, including that the landlord has actual knowledge of the violation. The bill changes that criterion from the landlord having actual knowledge to the landlord having received written notice of the violation from a local housing code enforcement agency.

5. Under current law, a city, village, town, or county (municipality) is prohibited from enacting or enforcing certain ordinances relating to landlords and tenants, such as an ordinance imposing a moratorium on eviction actions or an ordinance that places certain limitations on what information a landlord may obtain and use concerning a prospective tenant. The bill additionally prohibits a municipality from enacting or enforcing an ordinance that limits a tenant's responsibility, or a landlord's right to recover, for any damage to, or neglect of, the premises; that requires a landlord to communicate to tenants any information that is not required to be communicated to tenants under federal or state law; or that requires a landlord to communicate to the municipality any information concerning the landlord unless the information is required under federal or state law or is required of all residential real property owners.

6. Current law specifies what costs may be withheld from a security deposit and the timing for the return of a security deposit after a tenant removes from the premises. The bill limits these provisions to residential tenancies. In addition, the bill provides that if a tenant is evicted from the premises, his or her security deposit must be returned within 21 days after either the date on which the tenant's rental agreement terminates or the date on which a new tenant's tenancy begins if the landlord rerents the premises before the tenant's rental agreement terminates. Under current law, an evicted tenant's security deposit must be returned within 21 days after the earlier of the date on which a writ of restitution is executed or the date on which the landlord learns that the tenant has vacated the premises.

7. Current law provides that a residential rental agreement is void and unenforceable if it contains a provision that does any of a number of certain specified

**BILL**

things, including allowing the landlord to terminate the tenancy of a tenant if a crime is committed in or on the rental property, even if the tenant could not have prevented the crime. The bill removes that item from the list of provisions that, if contained in a residential rental agreement, make it void and unenforceable.

8. Current law provides that any violation of the chapter of the statutes that contains the landlord-tenant provisions may constitute unfair methods of competition or unfair trade practices under the provisions of the statutes under which the Department of Agriculture, Trade and Consumer Protection regulates marketing and trade practices. The bill limits the landlord-tenant provisions that, if violated, may constitute unfair methods of competition or unfair trade practices to the provisions relating to withholding from and returning security deposits and the provisions that, if contained in a residential rental agreement, make it void and unenforceable.

9. Current law provides that a person who is entitled to possession of real property may commence an eviction action. The bill adds that an agent of such a person, authorized in writing, may also commence the eviction action. Under current law, a person who commences an eviction action may appear in his, her, or its own proper person or by an attorney. A person is considered to be appearing in its own proper person if it appears by a full-time authorized employee. The bill adds that a person may appear in its own proper person by a member, or an agent of a member or authorized employee, of the person. Current law provides that an eviction action based on failure to pay rent may not be dismissed solely because the landlord accepts past due rent from the tenant after the termination of the tenant's tenancy. The bill provides that an eviction action based on failure to pay rent or for any other reason may not be dismissed because the landlord accepts past due rent or any other payment from the tenant after serving notice of default or commencing the eviction action.

10. Under current law, a landlord must provide to a tenant when the tenant commences his or her occupancy of the premises a standardized information check-in sheet that contains an itemized description of the condition of the premises. The bill changes this requirement so that the landlord must provide to the tenant a check-in sheet that the tenant may use to make comments about the condition of the premises.

***Towing vehicles illegally parked on private property***

Current law prohibits the removal (towing) of a vehicle involved in trespass parking on a private parking lot or facility without the permission of the vehicle owner, unless a parking citation is issued by a traffic officer or a repossession judgment is issued.

Under this bill, if a vehicle is parked without authorization on private property, the vehicle may be towed immediately, at the vehicle owner's expense and without the owner's permission, as follows: 1) from private property that is properly posted, whether or not a parking citation is issued; or 2) from private property that is not properly posted, only if a parking citation is issued or a repossession judgment is issued. "Properly posted" means there is clearly visible notice that an area is private property and that vehicles that are not authorized to park in this area may be

**BILL**

immediately towed. A vehicle may be towed under the bill only by a towing service at the request of the property owner or property owner's agent or of a traffic officer or parking enforcer. The vehicle owner must pay the reasonable charges for towing and, if applicable, storage of the vehicle and the towing service may impound the vehicle until these charges are paid. If these charges are not paid within 30 days or arrangements for installment payments are not made, the vehicle is considered abandoned and may be disposed of as are other abandoned vehicles. The Department of Transportation must promulgate rules establishing reasonable charges for towing and storage of vehicles under the provisions of the bill.

***Eviction actions***

The bill also makes changes to certain court procedures for eviction actions. Under current law, a civil action is generally commenced when the plaintiff in the action serves the defendant with a copy of the summons and complaint (summons) against him or her.

Generally, personal service of the summons must be made on the defendant or on another person who lives at the defendant's place of residence (substituted service), although current law allows a court, by rule, to authorize the service of the summons in mail in actions that are not eviction actions.

Under current law, a defendant in an eviction action must appear in court not less than five days nor more than 30 days after the summons is issued. The court generally sets the matter for a hearing when the defendant makes this initial appearance.

If the plaintiff prevails in an eviction action and the court determines that the defendant must leave the rented premises, the current law requires the court to order that a writ of restitution be issued to the sheriff in the county where the property is located. The writ of restitution requires the sheriff's department to remove the defendant and his or her personal property from the premises.

The bill allows a court, by rule, to authorize that the summons in an eviction may be served by mail. The bill also shortens the time during which a defendant in an eviction must appear from 30 days to 20 days and requires the court to set the matter for a hearing within 20 days of the date of the initial appearance. The bill requires a writ of restitution to be issued within five days after the court enters judgment in the eviction action.

FE-L →

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

- 1           **SECTION 1.** 66.0104 (2) (c) of the statutes is created to read:
- 2           66.0104 (2) (c) No city, village, town, or county may enact an ordinance that
- 3           limits a residential tenant's responsibility, or a residential landlord's right to recover,
- 4           for any damage or waste to, or neglect of, the premises that occurs during the tenant's

**BILL****SECTION 1**

1 occupancy of the premises, or for any other costs, expenses, fees, payments, or  
2 damages for which the tenant is responsible under the rental agreement or  
3 applicable law.

4 **SECTION 2.** 66.0104 (2) (d) of the statutes is created to read:

5 66.0104 (2) (d) 1. No city, village, town, or county may enact an ordinance that  
6 requires a landlord to communicate to tenants any information that is not required  
7 to be communicated to tenants under federal or state law.

8 2. No city, village, town, or county may enact an ordinance that requires a  
9 landlord to communicate to the city, village, town, or county any information  
10 concerning the landlord, unless any of the following applies:

11 a. The information is required under federal or state law.

12 b. The information is required of all residential real property owners.

13 **SECTION 3.** 66.0104 (3) of the statutes is renumbered 66.0104 (3) (a) and  
14 amended to read:

15 66.0104 (3) (a) If a city, village, town, or county has in effect on December 21,  
16 2011, an ordinance that is inconsistent with sub. (2) (a) or (b), the ordinance does not  
17 apply and may not be enforced.

18 **SECTION 4.** 66.0104 (3) (b) of the statutes is created to read:

19 66.0104 (3) (b) If a city, village, town, or county has in effect on the effective date  
20 of this paragraph .... [LRB inserts date], an ordinance that is inconsistent with sub.  
21 (2) (c) or (d), the ordinance does not apply and may not be enforced.

22 **SECTION 5.** 349.13 (3m) of the statutes is renumbered 349.13 (3m) (b) and  
23 amended to read:

24 349.13 (3m) (b) ~~No~~ If private property is not properly posted and a vehicle  
25 involved in trespass parking on a ~~is parked on the private parking lot or facility shall~~



**BILL**

1 ~~be removed property and is not authorized to be parked there, the vehicle may be~~  
2 ~~removed immediately, at the vehicle owner's expense, without the permission of the~~  
3 ~~vehicle owner, except upon the issuance of a repossession judgment or upon formal~~  
4 ~~complaint and the issuance of a citation for illegal parking issued by a traffic or police~~  
5 ~~officer.~~

6 **SECTION 6.** 349.13 (3m) (a), (c), (d) and (e) of the statutes are created to read:

7 349.13 (3m) (a) In this subsection:

8 1. "Parking enforcer" has the meaning given in s. 341.65 (1) (ar).

9 2. "Properly posted" means there is clearly visible notice that an area is private  
10 property and that vehicles that are not authorized to park in this area may be  
11 immediately removed.

12 (c) If private property is properly posted and a vehicle is parked on the private  
13 property and is not authorized to be parked there, the vehicle may be removed  
14 immediately, at the vehicle owner's expense, without the permission of the vehicle  
15 owner, regardless of whether a citation is issued for illegal parking.

16 (d) A vehicle may be removed from private property under par. (b) or (c) only  
17 by a towing service at the request of the property owner or property owner's agent,  
18 a traffic officer, or a parking enforcer. The vehicle owner shall pay the reasonable  
19 charges for removal and, if applicable, storage of the vehicle. If the vehicle was  
20 removed at the request of the property owner or property owner's agent, these  
21 reasonable charges shall be paid directly to the towing service, and the towing service  
22 may impound the vehicle until these charges are paid. If these charges have not been  
23 paid in full within 30 days of the vehicle's removal and the vehicle owner has not  
24 entered into a written agreement with the towing service to pay these reasonable

**BILL****SECTION 6**

1 charges in installment payments, the vehicle shall be deemed abandoned and may  
2 be disposed of as are other abandoned vehicles.

3 (e) The department shall promulgate rules establishing reasonable charges for  
4 removal and storage of vehicles under this subsection.

5 **SECTION 7.** 349.13 (5) (b) 2. of the statutes is amended to read:

6 349.13 (5) (b) 2. A person who has custody of a vehicle removed or stored under  
7 subs. (3) to (4) or otherwise at the request of a law enforcement officer, traffic officer,  
8 parking enforcer, property owner, or property owner's agent shall release the  
9 personal property within the vehicle to the owner of the vehicle during regular office  
10 hours upon presentation by the owner of proper identification.

11 **SECTION 8.** 349.13 (5) (c) of the statutes is amended to read:

12 349.13 (5) (c) A traffic or police officer or parking enforcer who requests removal  
13 of a vehicle under subs. (3) to (4) by a towing service shall, within 24 hours of  
14 requesting the removal, notify the towing service of the name and last-known  
15 address of the registered owner and all lienholders of record of the vehicle if the  
16 vehicle is to be removed to any location other than a public highway within one mile  
17 from the location from which the vehicle is to be removed and if the officer or parking  
18 enforcer is not employed by a municipality or county that has entered into a towing  
19 services agreement which requires the municipality or county to provide notice to  
20 such owner and lienholders of the towing.

21 **SECTION 9.** 704.05 (5) (a) 1. of the statutes is amended to read:

22 704.05 (5) (a) 1. If a tenant removes from or is evicted from the premises and  
23 leaves personal property, the landlord may presume, in the absence of a written  
24 agreement between the landlord and the tenant to the contrary, that the tenant has  
25 abandoned the personal property and may, subject to par. (am) and s. 799.45 (3m),

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1 dispose of the abandoned personal property in any manner that the landlord, in its  
2 sole discretion, determines is appropriate.

3 **SECTION 10.** 704.05 (5) (bf) of the statutes is amended 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~~ or renews, a rental agreement or at any other time  
8 before the tenant removes from or is evicted from the premises, that the landlord will  
9 not store any items of personal property that the tenant leaves behind when the  
10 tenant removes from, or if the tenant is evicted from, the premises, except as  
11 provided in par. (am). Notwithstanding pars. (a), (am), and (b), if the landlord ~~does~~  
12 ~~not provide~~ has not provided to a tenant the notice required under this paragraph,  
13 the landlord shall comply with s. 704.05, 2009 stats., with respect to any personal  
14 property left behind by the tenant when the tenant removes from the premises, or  
15 if the tenant is evicted from the premises and the landlord notifies the sheriff under  
16 s. 799.45 (3m).

17 **SECTION 11.** 704.07 (2) (bm) 1. of the statutes is amended to read:

18 704.07 (2) (bm) 1. The landlord has ~~actual knowledge~~ received written notice  
19 of the violation from a local housing code enforcement agency.

20 **SECTION 12.** 704.07 (3) (a) of the statutes is amended to read:

21 704.07 (3) (a) If the premises are damaged by ~~the negligence or improper use~~  
22 ~~of the premises by, including by an infestation of insects or other pests, due to the acts~~  
23 or inaction of the tenant, the landlord may elect to allow the tenant must to  
24 remediate or repair the damage and restore the appearance of the premises by  
25 redecorating. However, the landlord may elect to undertake the remediation, repair,

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1 or redecoration, and in such case the tenant must reimburse the landlord for the  
2 reasonable cost thereof; the cost to the landlord is presumed reasonable unless  
3 proved otherwise by the tenant.

4 **SECTION 13.** 704.08 of the statutes is amended to read:

5 **704.08 ~~Information check-in~~ Check-in sheet.** A landlord shall provide to  
6 a new residential tenant when the tenant commences his or her occupancy of the  
7 premises a ~~standardized information~~ check-in sheet that ~~contains an itemized~~  
8 ~~description of the tenant may use to make comments, if any, about~~ the condition of  
9 the premises ~~at the time of check-in~~. The tenant shall be given 7 days from the date  
10 the tenant commences his or her occupancy to complete the check-in sheet and  
11 return it to the landlord. The landlord is not required to provide the ~~information~~  
12 check-in sheet to a tenant upon renewal of a rental agreement. This section does not  
13 apply to the rental of a plot of ground on which a manufactured home, as defined in  
14 s. 704.05 (5) (b) 1. a., or a mobile home, as defined in s. 704.05 (5) (b) 1. b., may be  
15 located.

16 **SECTION 14.** 704.28 (2) of the statutes is amended to read:

17 **704.28 (2) NONSTANDARD RENTAL PROVISIONS.** Except as provided in sub. (3), a  
18 rental agreement may include one or more nonstandard rental provisions that  
19 authorize the landlord to withhold amounts from the tenant's security deposit for  
20 reasons not specified in sub. (1) (a) to (e). Any such nonstandard rental provisions  
21 shall be provided to the tenant in a separate written document entitled  
22 "NONSTANDARD RENTAL PROVISIONS." The landlord shall specifically identify  
23 ~~and discuss~~ each nonstandard rental provision with the tenant before the tenant  
24 enters into a rental agreement with the landlord. If the tenant signs his or her name,  
25 or writes his or her initials, by a nonstandard rental provision, it is rebuttably

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1 presumed that the landlord has specifically identified ~~and discussed~~ the  
2 nonstandard rental provision with the tenant and that the tenant has agreed to it.

3 **SECTION 15.** 704.28 (4) (b) of the statutes is amended to read:

4 704.28 (4) (b) If the tenant vacates the premises before the termination date  
5 of the rental agreement or if the tenant is evicted, the date on which the tenant's  
6 rental agreement terminates or, if the landlord rerents the premises before the  
7 tenant's rental agreement terminates, the date on which the new tenant's tenancy  
8 begins.

9 **SECTION 16.** 704.28 (4) (d) of the statutes is repealed.

10 **SECTION 17.** 704.28 (5) of the statutes is created to read:

11 704.28 (5) APPLICATION TO RESIDENTIAL TENANCIES. This section applies to  
12 residential tenancies only.

13 **SECTION 18.** 704.44 (9) of the statutes is repealed.

14 **SECTION 19.** 704.95 of the statutes is amended to read:

15 **704.95 Practices regulated by the department of agriculture, trade**  
16 **and consumer protection.** Practices in violation of ~~this chapter s. 704.28~~ or 704.44  
17 may also constitute unfair methods of competition or unfair trade practices under s.  
18 100.20. However, the department of agriculture, trade and consumer protection may  
19 not issue an order or promulgate a rule under s. 100.20 that changes any right or duty  
20 arising under this chapter.

21 **SECTION 20.** 799.05 (3) (b) of the statutes is amended to read:

22 799.05 (3) (b) Except in eviction actions, the return date for a summons served  
23 upon a resident of this state shall be not less than 8 days nor more than 30 days from  
24 the issue date, and service shall be made not less than 8 days prior to the return date.  
25 In eviction actions, the return date for a summons served upon a resident of this state

**BILL****SECTION 20**

1 shall be not less than 5 days nor more than ~~30~~ 14 days from the issue date, and service  
2 shall be made not less than 5 days prior to the return date.

3 **SECTION 21.** 799.06 (2) of the statutes is amended to read:

4 799.06 (2) A person may commence and prosecute or defend an action or  
5 proceeding under this chapter and may appear in his, her, or its own proper person  
6 or by an attorney regularly authorized to practice in the courts of this state. Under  
7 this subsection, a person is considered to be acting in his, her, or its own proper  
8 person if the appearance is by a ~~full-time~~ member or authorized employee of the  
9 person, or by an agent of the member or an authorized employee of the agent. An  
10 assignee of any cause of action under this chapter shall not appear by a full-time  
11 authorized employee, unless the employee is an attorney regularly authorized to  
12 practice in the courts of this state.

13 **SECTION 22.** 799.12 (2) of the statutes is amended to read:

14 799.12 (2) Any circuit court may by rule authorize the service of summons in  
15 some or all actions under this chapter, ~~except eviction actions,~~ by mail under sub. (3)  
16 in lieu of personal or substituted service under s. 801.11.

17 **SECTION 23.** 799.20 (4) of the statutes is amended to read:

18 799.20 (4) INQUIRY OF DEFENDANT WHO APPEARS ON RETURN DATE. If the defendant  
19 appears on the return date of the summons or any adjourned date thereof, the court  
20 or circuit court commissioner shall make sufficient inquiry of the defendant to  
21 determine whether the defendant claims a defense to the action. If it appears to the  
22 court or circuit court commissioner that the defendant claims a defense to the action,  
23 the court or circuit court commissioner shall schedule a trial of all the issues involved  
24 in the action, unless the parties stipulate otherwise or the action is subject to  
25 immediate dismissal. In an eviction action, the court or circuit court commissioner

**BILL**

1 shall schedule a trial of all the issues involved in the action within 20 days of the  
2 return date of the summons or any adjourned date thereof, unless the parties  
3 stipulate otherwise or the action is subject to immediate dismissal.

4 **SECTION 24.** 799.206 (3) of the statutes is amended to read:

5 799.206 (3) When all parties appear in person or by their attorneys on the  
6 return date in an eviction, garnishment, or replevin action and any party claims that  
7 a contest exists, the matter shall be forthwith scheduled for a hearing, to be held as  
8 soon as possible before a judge and in the case of an eviction action, not more than  
9 20 days after the return date.

10 **SECTION 25.** 799.40 (1) of the statutes is amended to read:

11 799.40 (1) WHEN COMMENCED. A civil action of eviction may be commenced by  
12 a person entitled to the possession of real property, or by that person's agent  
13 authorized in writing, to remove therefrom any person who is not entitled to either  
14 the possession or occupancy of such real property.

15 **SECTION 26.** 799.40 (1m) of the statutes is amended to read:

16 799.40 (1m) ACCEPTANCE OF RENT OR OTHER PAYMENT. If a landlord commences  
17 an action under this section against a tenant whose tenancy has been terminated for  
18 failure to pay rent or for any other reason, the action under this section may not be  
19 dismissed solely because the landlord accepts past due rent or any other payment  
20 from the tenant after the termination of the tenant's tenancy serving notice of default  
21 or after commencing the action.

22 **SECTION 27.** 799.42 of the statutes is amended to read:

23 **799.42 Service and filing in eviction actions.** The complaint shall be  
24 served with the summons when ~~personal or substituted~~ service is had under s. 799.12  
25 (1).

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1           **SECTION 28.** 799.44 (2) of the statutes is amended to read:

2           799.44 (2) WRIT OF RESTITUTION. At the time of ordering judgment for the  
3           restitution of premises, the court shall order that a writ of restitution be issued, ~~and~~  
4           ~~the writ may be~~ within 5 days and delivered to the sheriff for execution in accordance  
5           with s. 799.45. No writ shall be executed if received by the sheriff more than 30 days  
6           after its issuance.

7           **SECTION 29.** 799.45 (title) of the statutes is amended to read:

8           **799.45 (title) Execution of writ of restitution; disposal of personal**  
9           **property.**

10          **SECTION 30.** 799.45 (1) of the statutes is amended to read:

11          799.45 (1) WHEN EXECUTED. Upon delivery of a writ of restitution to the sheriff,  
12          and after payment to the sheriff of the fee required by s. 814.70 (8), the sheriff shall  
13          execute the writ. If the plaintiff, or the plaintiff's attorney or agent, does not notify  
14          the sheriff under sub. ~~(3)~~ ~~(am)~~ (3m) that the plaintiff or his or her agent will remove  
15          and store or dispose of the property, the sheriff may require that prior to the  
16          execution of any writ of restitution the plaintiff deposit a reasonable sum  
17          representing the probable cost of removing the defendant's property chargeable to  
18          the plaintiff under s. 814.70 (8) and (10) and of the services of deputies under s.  
19          814.70 (8). In case of dispute as to the amount of the required deposit, the amount  
20          of that deposit shall be determined by the court under s. 814.70 (10).

21          **SECTION 31.** 799.45 (2) (b) of the statutes is amended to read:

22          799.45 (2) (b) ~~Remove~~ If the plaintiff or his or her agent does not notify the  
23          sheriff under sub. (3m) that the plaintiff or his or her agent will remove and store or  
24          dispose of the personal property, remove or supervise removal from the premises



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1 described in the writ, using such reasonable force as may be necessary, all personal  
2 property found in the premises not the property of the plaintiff.

3 **SECTION 32.** 799.45 (2) (bg) of the statutes is amended to read:

4 799.45 (2) (bg) ~~Assist~~ If requested by the plaintiff or his or her agent, assist the  
5 plaintiff or his or her agent in the removal, under sub. (3) ~~(am)~~ (3m), of all personal  
6 property found in the premises described in the writ, not the property of the plaintiff,  
7 using such reasonable force as may be necessary.

8 **SECTION 33.** 799.45 (2) (c) of the statutes is amended to read:

9 799.45 (2) (c) Exercise ordinary care in the removal or supervision of removal  
10 of all persons ~~and property~~ from the premises ~~and, in the removal or supervision of~~  
11 removal of personal property under par. (b), and in the handling and storage of all  
12 property removed from the premises under par. (b).

13 **SECTION 34.** 799.45 (3) (title) of the statutes is amended to read:

14 799.45 (3) (title) MANNER OF REMOVAL AND DISPOSITION OF REMOVED GOODS BY  
15 SHERIFF

16 **SECTION 35.** 799.45 (3) (a) of the statutes is amended to read:

17 799.45 (3) (a) In accomplishing the removal of property from the premises  
18 described in the writ, the sheriff is authorized to engage the services of a mover or  
19 trucker unless the plaintiff notifies the sheriff under ~~par. (am)~~ sub. (3m) that the  
20 plaintiff will remove and store or dispose of the property.

21 **SECTION 36.** 799.45 (3) (am) (intro.) of the statutes is renumbered 799.45 (3m)  
22 and amended to read:

23 799.45 (3m) ALTERNATIVE DISPOSITION OF PROPERTY BY PLAINTIFF When  
24 delivering a writ of restitution to the sheriff ~~in counties other than counties with a~~  
25 population of 500,000 or more, as a complete alternative to the procedure for

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1 disposition of the property under sub. (3), the plaintiff or his or her attorney or agent  
2 may notify the sheriff that the plaintiff or the plaintiff's agent will be responsible for  
3 the removal and storage or disposal of the property that is found in the premises  
4 described in the writ and that does not belong to the plaintiff. ~~When notifying the~~  
5 ~~sheriff that the plaintiff or the plaintiff's agent will remove the property, the plaintiff~~  
6 ~~or his or her attorney or agent shall file the bond or insurance policy required under~~  
7 ~~subd. 5. with the clerk of court that issued the writ of restitution in accordance with~~  
8 s. 704.05. If the sheriff is notified that the plaintiff or the plaintiff's agent will be  
9 responsible for the removal and storage or disposal of the property under this  
10 paragraph subsection, the sheriff shall, ~~in executing the writ of restitution if~~  
11 requested by the plaintiff or his or her agent, supervise the removal and handling of  
12 the property by the plaintiff or the plaintiff's agent. ~~The sheriff may prevent the~~  
13 ~~plaintiff or the plaintiff's agent from removing property under this paragraph if the~~  
14 ~~plaintiff or the plaintiff's agent fails to comply with subd. 1., 2., 5. or 6. or if the~~  
15 ~~plaintiff or the plaintiff's agent fails to exercise ordinary care in the removal and~~  
16 ~~handling of the property as required under subd. 3. If the plaintiff or the plaintiff's~~  
17 ~~agent remove and store the property under this paragraph, the plaintiff or the~~  
18 ~~plaintiff's agent shall do all of the following:~~

19 **SECTION 37.** 799.45 (3) (am) 1. of the statutes is repealed.

20 **SECTION 38.** 799.45 (3) (am) 2. of the statutes is repealed.

21 **SECTION 39.** 799.45 (3) (am) 3. of the statutes is repealed.

22 **SECTION 40.** 799.45 (3) (am) 4. of the statutes is repealed.

23 **SECTION 41.** 799.45 (3) (am) 5. of the statutes is repealed.

24 **SECTION 42.** 799.45 (3) (am) 6. of the statutes is repealed.

25 **SECTION 43.** 799.45 (3) (am) 7. of the statutes is repealed.

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1           **SECTION 44.** 799.45 (3) (b) of the statutes is amended to read:

2           799.45 (3) (b) Except as provided in ~~pars. (am) and par.~~ (c), the property  
3 removed from such premises under this subsection shall be taken to some place of  
4 safekeeping within the county selected by the sheriff. Within 3 days of the removal  
5 of the goods, the sheriff shall mail a notice to the defendant as specified in sub. (4)  
6 stating the place where the goods are kept and, ~~if the plaintiff had not removed the~~  
7 ~~property under par. (am),~~ shall deliver to the defendant any receipt or other  
8 document required to obtain possession of the goods. Warehouse or other similar  
9 receipts issued with respect to goods stored by the sheriff under this subsection shall  
10 be taken in the name of the defendant. All expenses incurred for storage and other  
11 like charges after delivery by the sheriff ~~or by the plaintiff~~ to a place of safekeeping  
12 shall be the responsibility of the defendant. Any person accepting goods from the  
13 sheriff ~~or the plaintiff~~ for storage under this subsection, ~~or the plaintiff, if he or she~~  
14 ~~stores the property in his or her premises,~~ shall have all of the rights and remedies  
15 accorded by law against the defendant personally and against the property stored for  
16 the collection of such charges, including the lien of a warehouse under s. 407.209.  
17 Risk of damages to or loss of such property shall be borne by the defendant after  
18 delivery by the sheriff to the place of safekeeping.

19           **SECTION 45.** 799.45 (3) (c) of the statutes is amended to read:

20           799.45 (3) (c) When, in the exercise of ordinary care, the sheriff determines that  
21 property to be removed from premises described in the writ is without monetary  
22 value, the sheriff ~~or the plaintiff, if he or she has agreed to remove the property under~~  
23 ~~par. (am),~~ may deliver or cause the same to be delivered to some appropriate place  
24 established for the collection, storage, and disposal of refuse. In such case the sheriff  
25 shall notify the defendant as specified in sub. (4) of the place to which the goods have

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1 been delivered within 3 days of the removal of the goods. The exercise of ordinary  
2 care by the sheriff under this subsection does not include searching apparently  
3 valueless property for hidden or secreted articles of value.

4 **SECTION 46.** 799.45 (4) of the statutes is amended to read:

5 799.45 (4) **MANNER OF GIVING NOTICE TO DEFENDANT.** All notices required by sub.  
6 (3) to be given to the defendant by the sheriff ~~or by the plaintiff~~ shall be in writing  
7 and shall be personally served upon the defendant or mailed to the defendant at the  
8 last-known address, even if such address be the premises which are the subject of  
9 the eviction action.

10 **SECTION 47.** 895.489 of the statutes is created to read:

11 **895.489 Civil liability exemption; tenancy references.** (1) In this section:

12 (a) “Reference” means a written or oral statement about the rental performance  
13 of an applicant for tenancy and may include statements about the applicant’s  
14 payment history, conformance to rental agreement requirements, or conformance to  
15 local and state laws; factual statements regarding any rental agreement  
16 enforcement actions, including notices given under s. 704.17, 704.19, or 710.15 (5r);  
17 and factual statements about any dispute settlement between the landlord and  
18 applicant in accordance with any agreement between the landlord and applicant  
19 relating to termination of the applicant’s tenancy.

20 (b) “Tenant” means a residential tenant, regardless of the type of tenancy or  
21 rental period.

22 (2) A landlord who, on the request of a prospective landlord of an applicant for  
23 tenancy or on the request of the applicant for tenancy, provides a reference to the  
24 prospective landlord is presumed to be acting in good faith and, unless lack of good  
25 faith is shown by clear and convincing evidence, is immune from all civil liability that

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1 may result from providing that reference. The presumption of good faith under this  
2 subsection may be rebutted only upon a showing by clear and convincing evidence  
3 that the landlord knowingly provided false information in the reference or made the  
4 reference maliciously.

**SECTION 48. Nonstatutory provisions.**

5  
6 (1) PROPOSED PERMANENT RULES. The department of transportation shall  
7 present the statement of scope of the rules required under section 349.13 (3m) (e) of  
8 the statutes, as created by this act, to the governor for approval under section  
9 227.135 (2) of the statutes no later than the 60th day after the effective date of this  
10 subsection.

11 (2) EMERGENCY RULES. Using the procedure under section 227.24 of the statutes,  
12 the department of transportation shall promulgate the rules required under section  
13 349.13 (3m) (e) of the statutes, as created by this act, for the period before the  
14 effective date of the permanent rules promulgated under section 349.13 (3m) (e) of  
15 the statutes, as created by this act, but not to exceed the period authorized under  
16 section 227.24 (1) (c) of the statutes, subject to extension under section 227.24 (2) of  
17 the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes,  
18 the department is not required to provide evidence that promulgating a rule under  
19 this subsection as an emergency rule is necessary for the preservation of public  
20 peace, health, safety, or welfare and is not required to provide a finding of an  
21 emergency for a rule promulgated under this subsection. Notwithstanding section  
22 227.24 (1) (e) 1d. and 1g. of the statutes, the department is not required to prepare  
23 a statement of the scope of the rules promulgated under this subsection or present  
24 the rules to the governor for approval. The department of transportation shall

**BILL**

1 promulgate the rules under this subsection no later than the first day of the 7th  
2 month beginning after the effective date of this subsection.

**SECTION 49. Initial applicability.**

3  
4 (1) INSECT INFESTATIONS. The treatment of section 704.07 (3) (a) of the statutes  
5 first applies to tenancies that are in effect on the effective date of this subsection.

6 (2) RETURN OF SECURITY DEPOSIT AFTER EVICTION. The treatment of section 704.28  
7 (4) (b) and (d) of the statutes first applies to eviction actions that are commenced on  
8 the effective date of this subsection.

9 (3) APPLICABILITY OF SECURITY DEPOSIT PROVISIONS. The treatment of sections  
10 704.28 (5) of the statutes first applies to tenancies that are in effect on the effective  
11 date of this subsection.

12 (4) VIOLATIONS THAT CONSTITUTE UNFAIR TRADE PRACTICES. The treatment of  
13 section 704.95 of the statutes first applies to violations that occur on the effective  
14 date of this subsection.

15 (5) EVICTION ACTIONS. The treatment of sections 799.05 (3) (b), 799.12 (2), 799.20  
16 (4), 799.206 (3), 799.42, and 799.44 (2) of the statutes first applies to eviction actions  
17 that are filed on the effective date of this subsection.

18 (6) REFERENCES PROVIDED BY LANDLORDS. The treatment of section 895.489 of the  
19 statutes first applies to references provided on the effective date of this subsection.

20 **SECTION 50. Effective dates.** This act takes effect on the first day of the first  
21 month beginning after publication, except as follows:

22 (1) The treatment of section 349.13 (5) (b) 2. and (c) of the statutes, the  
23 renumbering and amendment of section 349.13 (3m) of the statutes, and the creation  
24 of section 349.13 (3m) (a), (c), (d), and (e) of the statutes take effect on the the first  
25 day of the 7th month beginning after publication.



**Kahler, Pam**

**From:** Kovach, Robert  
**Sent:** Monday, April 29, 2013 3:47 PM  
**To:** Kahler, Pam  
**Subject:** FW: SHORT DEADLINE - Co-Sponsorship LRB 1931 : Relating to miscellaneous provisions related to rental and vehicle towing practices, prohibitions on enacting ordinances that place certain limitations or requirements on landlords  
**Attachments:** 13-1931\_2.pdf

Well, it looks like the language is good enough for the assembly.... Can you jacket my senate version for me?

**Rob Kovach**

Policy Advisor/Committee Clerk  
Office of Senator Frank Lasee  
(608) 266-3512

*Please jacket LRB-1931/1  
for the Senate*

**From:** Soper, John  
**Sent:** Monday, April 29, 2013 3:28 PM  
**To:** \*Legislative All Assembly; \*Legislative All Senate  
**Subject:** SHORT DEADLINE - Co-Sponsorship LRB 1931 : Relating to miscellaneous provisions related to rental and vehicle towing practices, prohibitions on enacting ordinances that place certain limitations or requirements on landlords  
**Importance:** High

## **SHORT DEADLINE!**

**To:** All Legislators  
**From:** Representative Stroebel and Senator Lasee  
**Date:** April 29, 2013  
**Re:** Co-Sponsorship, LRB 1931/2: Relating to miscellaneous provisions related to rental and vehicle towing practices, prohibitions on enacting ordinances that place certain limitations or requirements on landlords

**SHORT DEADLINE:** Tuesday, April 30<sup>th</sup>, at 3pm

We are introducing LRB 1931 to update, clean up, and standardize Wisconsin law affecting landlord/tenant relationships in the State of Wisconsin. This bill builds off of 2011 Act 143 and also proposes needed new policies.

By standardizing landlord/tenant law statewide, it provides consistency for tenants and makes it easier to ensure consumer protections are provided. Common sense reforms will reduce the regulatory burden on landlords and lower housing costs.

Current law presents questions, and often time, uncertainties regarding the landlord/tenant relationship. This bill helps to clarify some of these questions, while also making improvements to current law. The bill standardizes landlord/tenant law in the state, some sections of which vary greatly in municipalities. This bill