

2013 DRAFTING REQUEST

Senate Amendment (SA-SB179)

Received: 7/15/2013 Received By: chanaman
Wanted: Soon Same as LRB:
For: Jon Erpenbach (608) 266-6670 By/Representing: Julie
May Contact: Drafter: chanaman
Subject: Real Estate - landlord/tenant Addl. Drafters:
Extra Copies:

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

Pre Topic:

No specific pre topic given

Topic:

Personal property

Instructions:

No specific instructions given

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>
/?	chanaman 7/15/2013	scalvin 7/15/2013	jfrantze 7/15/2013	_____			
/1				_____	srose 7/15/2013	srose 7/15/2013	

FE Sent For:

<END>

2013 DRAFTING REQUEST

Senate Amendment (SA-SB179)

Received: 7/15/2013 Received By: chanaman
Wanted: Soon Same as LRB:
For: Jon Erpenbach (608) 266-6670 By/Representing: Julie
May Contact: Drafter: chanaman
Subject: Real Estate - landlord/tenant Addl. Drafters:
Extra Copies:

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

Pre Topic:

No specific pre topic given


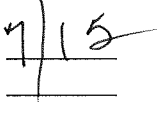
Topic:

Personal property

Instructions:

No specific instructions given

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>
/?	chanaman	1/ sac 07/15/2013		7/15 			

FE Sent For:

<END>

Erpenbach amendments to SB 179

Towing section

1. Delete the towing section completely.
Goal: no one testified at the public hearing that the current situation is a problem – why fix something that is not broken?
2. Amend the towing sections to require the towing company to notify the owner of the vehicle within two hours of tow as well as the law enforcement with jurisdiction where the vehicle was towed (also within 2 hours).
Goal: actually identifying what law enforcement must be notified and have that notification go to the office that will receive the call when a person thinks their car is stolen – current language leaves too many unanswered questions for citizens and law enforcement. Additionally, towing companies should be required to contact the owner of the car to let them know where their car is – we are talking about an individual's personal property here. Parking improperly on private property may be inconvenient but taking someone's car without the benefit of correction (see getting ticket so they move car) like exists now is a HUGE deal for people trying to get to work, get home, pick up kids etc.

Local ordinances

1. No local ordinance shall be enacted that prohibits a landlord from recovering from a tenant if a municipal building or zoning code violation has been issued for damages caused by the tenant for which the tenant is responsible in the lease.
Goal: The way the bill is drafted now landlords can recover from tenants for damages that they have not even caused! That is ridiculous. If there is damage to the rental because of a tenant they should pay to repair. If there is damage to a property because of the landlord's neglect or failure to repair etc, the landlord should pay for those repairs. This amendment sets a standard for what a landlord can bill a tenant for – a code violation that the tenant has caused. That is the way it should be. As drafted a landlord could charge a tenant for replacement of stairs just because they live there at the time the stairs need to be replaced, even if they have nothing to do with the current state of the damaged stairs.....that is just wrong.
2. Repeal the section that preempts all local ordinances. Instead allow for local ordinances only for health and safety issues related to rental housing.
Goal: Local ordinances shall be allowed for the health and safety of a local community. Instead, allow local ordinances that deviate from state law ONLY for the health and safety of the community. If it is found in court that a local ordinance is not in place for the health and safety of a community but for other purposes, is not valid.

Personal Property of Individuals in Disputed Eviction

1. Delete section 9 & 36-43 which affect the personal property of tenants who are in a disputed eviction (eviction for any reason) without the approval of the Sheriff on process as currently required by law.
Goal: Property of individuals who are in a *disputed* eviction should simply not be treated as abandoned property like it is in this bill. Clearly if an eviction is disputed.....tenants are not planning on leaving, they are planning on staying. What happens now is Sheriff delivers writ of eviction, paid movers take things and put it in storage (Milwaukee). Outside of Milwaukee landlords can take the property but they have requirements to show the Sheriff before they take anything, like that they have to notify the tenant of where they are storing the property, they actually have to store property rather than throwing it away,

and they must have insurance if they break something – under the bill, property can immediately be thrown away once a writ of eviction is ordered (as required in the amendment by the Judge – immediately issue – no room for a Judge to give a tenant a week or a day).

Bed Bugs

1. Delete section that allows billing of tenants for all of bed bug infestation costs. Instead add a section to the bill that models Maine law on bed bugs. (see attached)

Goal: Clearly bed bugs are here to stay in Wisconsin. We should enact logical, fair legislation that puts responsibility on both tenants and landlords when it appropriately belongs there. Enact Maine's bedbug laws to give responsibility to tenants and to landlords in a fair and standardized way. The author of the bill has said the goal is to have statewide standards for landlords and tenants. That is exactly what we would have by adding the Maine language to this bill. Without it, landlords would not have standards for treatment, notification etc and tenants would not have common levels of responsibility. The amendment would require landlord notification and tenant notification, landlord responsible treatment and tenant responsible disposal of infected materials. There are penalties for both parties if they fail to comply. If you are going to try to do something, you should at least attempt to do it right.



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa0706/?

CMH:/.....

Sac

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT ,
TO SENATE BILL 179

Today please

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

2 **1.** Page 8, line 22: delete the material beginning with that line and ending with
3 page 9, line 17.

4 **2.** Page 14, line 10: delete the material beginning with that line and ending
5 with page 18, line 12.

6 (END)