

1993 Senate Bill 131

Date of enactment: **March 9, 1994**  
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## 1993 WISCONSIN ACT 139

**AN ACT** to *renumber* 704.17 (3); and to *create* 704.17 (1) (c), 704.17 (2) (c), 704.17 (3) (b), 893.34 and 893.80 (7) of the statutes, **relating to:** allowing property owners to evict tenants within 5 days in the case of nuisances related to drugs.

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

**SECTION 1.** 704.17 (1) (c) of the statutes is created to read:

704.17 (1) (c) A property owner may terminate the tenancy of a week-to-week or month-to-month tenant if the property owner receives written notice from a law enforcement agency of a city, town or village that a nuisance under s. 823.113 (1) exists in that tenant's rental unit or was caused by that tenant on the property owner's property and if the property owner gives the tenant written notice requiring the tenant to vacate on or before a date at least 5 days after the giving of the notice. The notice shall state the basis for its issuance and the right of the tenant to contest the termination of tenancy in an eviction action under ch. 799. If the tenant contests the termination of tenancy, the tenancy may not be terminated without proof by the property owner by the greater preponderance of the credible evidence of the allegation in the notice from the law enforcement agency of a city, town or village that a nuisance under s. 823.113 (1) exists in that tenant's rental unit or was caused by that tenant.

**SECTION 2.** 704.17 (2) (c) of the statutes is created to read:

704.17 (2) (c) A property owner may terminate the tenancy of a tenant who is under a lease for a term of one year or less or who is a year-to-year tenant if the property owner receives written notice from a law enforcement agency of a city, town or village that a nuisance under s. 823.113 (1) exists in that tenant's rental unit or was

caused by that tenant on the property owner's property and if the property owner gives the tenant written notice requiring the tenant to vacate on or before a date at least 5 days after the giving of the notice. The notice shall state the basis for its issuance and the right of the tenant to contest the termination of tenancy in an eviction action under ch. 799. If the tenant contests the termination of tenancy, the tenancy may not be terminated without proof by the property owner by the greater preponderance of the credible evidence of the allegation in the notice from the law enforcement agency of a city, town or village that a nuisance under s. 823.113 (1) exists in that tenant's rental unit or was caused by that tenant.

**SECTION 3.** 704.17 (3) of the statutes is renumbered 704.17 (3) (a).

**SECTION 4.** 704.17 (3) (b) of the statutes is created to read:

704.17 (3) (b) A property owner may terminate the tenancy of a tenant who is under a lease for a term of more than one year if the property owner receives written notice from a law enforcement agency of a city, town or village that a nuisance under s. 823.113 (1) exists in that tenant's rental unit or was caused by that tenant on the property owner's property and if the property owner gives the tenant written notice to vacate on or before a date at least 5 days after the giving of the notice. The notice shall state the basis for its issuance and the right of the tenant to contest the termination of tenancy in an eviction action under ch. 799. If the tenant contests the termination of tenancy, the tenancy may not be terminated without proof by the property owner by the greater pre-

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ponderance of the credible evidence of the allegation in the notice from the law enforcement agency of a city, town or village that a nuisance under s. 823.113 (1) exists in that tenant's rental unit or was caused by that tenant.

**SECTION 5.** 893.34 of the statutes is created to read:

**893.34 Immunity for property owners.** No suit may be brought against any property owner who, in good faith, terminates a tenancy as the result of receiving a notice from a law enforcement agency under s. 704.17 (1)

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(c), (2) (c) or (3) (b).

**SECTION 6.** 893.80 (7) of the statutes is created to read:

893.80 (7) No suit may be brought against any city, town or village or any governmental subdivision or agency thereof or against any officer, official, agent or employe of any of those entities who, in good faith, acts or fails to act to provide a notice to a property owner that a public nuisance under s. 823.113 (1) exists.