

1993 Senate Bill 270

Date of enactment: April 19, 1994

Date of publication*: May 3, 1994

1993 WISCONSIN ACT 374

AN ACT *to repeal* 704.05 (5) (b); *to amend* 16.352 (2) (a) and (b) (intro.), 704.05 (5) (a) and 704.05 (5) (c); and *to create* 20.505 (7) (gm) and 704.05 (5) (a) 3 of the statutes, **relating to:** disposal of personal property left by a tenant and making an appropriation.

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

SECTION 1. 16.352 (2) (a) and (b) (intro.) of the statutes are amended to read:

16.352 (2) (a) From the ~~appropriation~~ appropriations under s. 20.505 (7) (fm) and (gm), the department shall award grants to eligible applicants for the purpose of supplementing the operating budgets of agencies and shelter facilities that have or anticipate a need for additional funding because of the renovation or expansion of an existing shelter facility, the development of an existing building into a shelter facility, the expansion of shelter services for homeless persons or an inability to obtain adequate funding to continue the provision of an existing level of services.

(b) (intro.) The department shall allocate funds from the ~~appropriation~~ appropriations under s. 20.505 (7) (fm) and (gm) for temporary shelter for homeless individuals and families as follows:

SECTION 2. 20.505 (7) (gm) of the statutes is created to read:

20.505 (7) (gm) *Funding for the homeless.* All moneys received under s. 704.05 (5) (a) 2. for grants to agencies and shelter facilities for homeless individuals and families under s. 16.352 (2) (a) and (b).

SECTION 3. 704.05 (5) (a) of the statutes is amended to read:

704.05 (5) (a) (title) *Procedure.* If a tenant removes from the premises and leaves personal property of an

apparent total value of less than \$100, the landlord may do all of the following:

1. Store such ~~the~~ personalty, with or without notice to the tenant, on or off the premises, with a lien on the personalty for the actual and reasonable cost of removal and storage or, if stored by the landlord, for the actual and reasonable value of storage; The landlord shall give written notice of the storage to the tenant within 10 days after the charges begin. The landlord shall give the notice either personally or by ordinary mail addressed to the tenant's last-known address and shall state the daily charges for storage. The landlord may not include the cost of damages to the premises or past or future rent due in the amount demanded for satisfaction of the lien. The landlord may not include rent charged for the premises in calculating the cost of storage. Medicine and medical equipment are not subject to the lien under this subdivision, and the landlord shall promptly return them to the tenant upon request.

2. Give the tenant notice, personally or by ordinary mail addressed to the tenant at his tenant's last-known address, of the landlord's intent to dispose of the personalty by sale or other appropriate means if the property is not repossessed by the tenant ~~within 5 days of such personal service or 8 days of the date of mailing.~~ If the tenant fails to repossess the property within the time specified 30 days after the date of personal service or the date of the mailing of the notice, the landlord may ~~proceed to~~ dispose of such the property by private or public sale or any other appropriate means. The landlord may deduct from

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the proceeds of sale any costs of sale and any storage charges if ~~he~~ the landlord has first stored the personalty under subd. 1, ~~and send the balance of the proceeds to the tenant by registered mail addressed to his last known address; if such.~~ If the proceeds are returned to the landlord and minus the costs of sale and minus any storage charges are not claimed within 6 months 60 days after the date on which the tenant vacated the premises, the proceeds belong to the landlord of the sale of the personalty, the landlord is not accountable to the tenant for any of the proceeds of the sale or the value of the property. The landlord shall send the proceeds of the sale minus the costs of the sale and minus any storage charges to the department of administration for deposit in the appropriation under s. 20.505 (7) (gm).

SECTION 4. 704.05 (5) (a) 3. of the statutes is created to read:

704.05 (5) (a) 3. Store the personalty without a lien and return it to the tenant.

SECTION 5. 704.05 (5) (b) of the statutes is repealed.

SECTION 6. 704.05 (5) (c) of the statutes is amended to read:

704.05 (5) (c) *Rights of third persons.* The landlord's lien and power to dispose as provided by this subsection apply to any property left on the premises by the tenant, whether owned by ~~him~~ the tenant or by others. ~~Such~~ That lien has priority over any ownership or security interest, and the power to dispose under this subsection applies notwithstanding rights of others existing under any claim of ownership or security interest. ~~If the landlord proceeds under par. (a) 2., notice of intended disposition need be given only to the tenant; if the landlord proceeds under par. (b), notice of intended disposition shall be given as required by s. 409.504. In either event, the~~ The tenant or any secured party shall have has the right to redeem the property at any time before the landlord has disposed of it or entered into a contract for its disposition by payment of the landlord's charges under par. (a) for removal, storage, disposition, and arranging for the sale ~~and reasonable attorney's fees and legal expenses.~~