



State of Wisconsin
2013 - 2014 LEGISLATURE



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**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO ASSEMBLY BILL 183**

May 14, 2013 – Offered by Representatives GENRICH, YOUNG and BEWLEY.

1 **AN ACT to amend** 704.08 and 704.28 (2); and **to create** 704.28 (5) of the statutes;
2 **relating to:** miscellaneous provisions related to rental practices.

Analysis by the Legislative Reference Bureau

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. This substitute amendment limits these provisions to residential tenancies.

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 substitute amendment 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.

Under current law, if a rental agreement contains any provisions that allow a landlord to withhold amounts from a tenant's security deposit in addition to those amounts specified in the Wisconsin Statutes, they must be provided to the tenant in a separate written document and are called nonstandard rental provisions. If the tenant signs a nonstandard rental provision, it is rebuttably presumed that the

tenant has agreed to it. The substitute amendment provides that the tenant may sign his or her name or write his or her initials by such a provision.

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

1 **SECTION 1.** 704.08 of the statutes is amended to read:

2 **704.08 ~~Information check-in~~ Check-in sheet.** A landlord shall provide to
3 a new residential tenant when the tenant commences his or her occupancy of the
4 premises a standardized ~~information check-in sheet that contains an itemized~~
5 ~~description of the tenant may use to make comments, if any, about~~ the condition of
6 the premises ~~at the time of check-in~~. The tenant shall be given 7 days from the date
7 the tenant commences his or her occupancy to complete the check-in sheet and
8 return it to the landlord. The landlord is not required to provide the ~~information~~
9 check-in sheet to a tenant upon renewal of a rental agreement. This section does not
10 apply to the rental of a plot of ground on which a manufactured home, as defined in
11 s. 704.05 (5) (b) 1. a., or a mobile home, as defined in s. 704.05 (5) (b) 1. b., may be
12 located.

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

14 **704.28 (2) NONSTANDARD RENTAL PROVISIONS.** Except as provided in sub. (3), a
15 rental agreement may include one or more nonstandard rental provisions that
16 authorize the landlord to withhold amounts from the tenant's security deposit for
17 reasons not specified in sub. (1) (a) to (e). Any such nonstandard rental provisions
18 shall be provided to the tenant in a separate written document entitled
19 "NONSTANDARD RENTAL PROVISIONS." The landlord shall specifically identify
20 ~~and discuss~~ each nonstandard rental provision with the tenant before the tenant
21 enters into a rental agreement with the landlord. If the tenant signs his or her name,

1 or writes his or her initials, by a nonstandard rental provision, it is rebuttably
2 presumed that the landlord has specifically identified ~~and discussed~~ the
3 nonstandard rental provision with the tenant and that the tenant has agreed to it.

4 **SECTION 3.** 704.28 (5) of the statutes is created to read:

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

7 **SECTION 4. Initial applicability.**

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

11 **SECTION 5. Effective date.**

12 (1) This act takes effect on the first day of the first month beginning after
13 publication.

14 (END)