



1995 ASSEMBLY BILL 79

January 30, 1995 - Introduced by Representatives ALBERS, GROTHMAN, GOETSCH, HAHN, OTT, LINTON, WARD and SERATTI, cosponsored by Senator SCHULTZ. Referred to Committee on Agriculture.

1 **AN ACT** *to amend* 704.19 (title) and (1) (b), 704.40 (2) (a), 708.02 and 799.40 (3);
2 and *to create* 704.20 of the statutes; **relating to:** termination of certain farm
3 tenancies.

Analysis by the Legislative Reference Bureau

Under current law, tenancies at will (tenancies under a lease that does not specify a termination date) may be terminated by either the landlord or the tenant if written notice is given at least 28 days before the termination date, except that if rent is due more often than monthly the time period between the date when the notice is given and the termination date need not be longer than the length of time between the due dates for paying the rent.

Under this bill, tenancies at will for agricultural property terminate on January 1 for property on which corn is grown, on the date when harvesting is completed if the property is leased to a tenant who is a cropper and the crop is not corn and on March 1 for other property. The bill requires the landlord to notify the tenant of the applicable termination date and specifies the deadlines and the procedures for the notice. If the landlord fails to provide timely and proper notice, the tenancy is not terminated on the applicable date.

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

4 **SECTION 1.** 704.19 (title) and (1) (b) of the statutes are amended to read:
5 **704.19** (title) **Notice necessary to terminate periodic tenancies and**
6 **nonagricultural tenancies at will.**

1 (1) (b) A tenancy at will, except a tenancy at will in regard to agricultural
2 property, as defined in s. 704.20 (1) (a).

3 **SECTION 2.** 704.20 of the statutes is created to read:

4 **704.20 Termination of agricultural tenancies at will. (1) DEFINITIONS.**

5 In this section:

6 (a) "Agricultural property" means real property that is devoted to agricultural
7 use, as defined in s. 91.01 (1), and principal residences located on that property.

8 (b) "Cropper" means a person who is a lessee of agricultural property but does
9 not live on it.

10 **(2) TERMINATION DATE.** Except as provided in sub. (3) (b), leases for agricultural
11 property that do not specify a termination date terminate on the following dates:

12 (a) January 1 for agricultural property on which corn is grown.

13 (b) On the date when harvesting is completed if the agricultural property is
14 leased to a cropper and the crop is not corn.

15 (c) March 1 for agricultural property that is not specified in par. (a) or (b).

16 **(3) NOTICE.** (a) Each person who leases agricultural property to a tenant, if the
17 lease does not specify a termination date, shall provide notice to the tenant of the
18 applicable termination date under sub. (2) in one of the following ways:

19 1. By delivering the notice on or before the September 1 before the termination
20 date and securing written acknowledgment that the tenant or the tenant's successor
21 has received the notice.

22 2. By serving the notice personally to the tenant or the tenant's successor on
23 or before the September 1 before the termination date.

24 3. If service under subd. 2 has been attempted without success, by publishing
25 a class 3 notice under ch. 985 in a newspaper published in the county where the land

1 is located, if the notice is complete on or before the October 1 before the termination
2 date.

3 4. By mailing the notice by certified mail on or before the September 1 before
4 the termination date.

5 (b) If a landlord does not provide notice under par. (a), the tenancy does not
6 terminate on the applicable date under sub. (2) (a) to (c).

7 **SECTION 3.** 704.40 (2) (a) of the statutes is amended to read:

8 704.40 (2) (a) If the occupant has no lease for a term, upon terminating the
9 occupant's tenancy by giving notice as provided in s. 704.19; or 704.20.

10 **SECTION 4.** 708.02 of the statutes is amended to read:

11 **708.02 Foreclosure; effect in lease.** If property, other than agricultural
12 property, as defined in s. 704.20 (1) (a), that is subject to a lien created by a mortgage
13 or land contract is leased after the lien has attached, the lease is subject to
14 termination at the time the interest of the lienor is terminated. After the termination
15 of a lien, a lessee of agricultural property, as defined in s. 704.20 (1) (a), shall make
16 the lease payments to the person who held the lien, and the lease remains subject
17 to s. 704.20.

18 **SECTION 5.** 799.40 (3) of the statutes is amended to read:

19 799.40 (3) EXCEPTION. Nothing in this section ~~shall affect~~ affects ss. 704.09 (4)
20 ~~and~~, 704.19 ~~and~~ 704.20.

21 **SECTION 6. Initial applicability.**

22 (1) This act first applies to leases entered into on the effective date of this
23 subsection.

24

(END)