LRB-0669/1 MJL:lmk&jld:pg

2005 ASSEMBLY BILL 466

June 9, 2005 – Introduced by Representative Schneider. Referred to Committee on Housing.

- AN ACT to create 704.28 of the statutes; relating to: return of security deposit
- 2 to tenant and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill provides that a landlord must, within 45 days after a tenant surrenders the rental premises, deliver or mail to the tenant the full amount of any security deposit paid by the tenant, less any amounts properly withheld from the security deposit by the landlord, along with a written statement that itemizes any amounts withheld. The bill requires the Department of Agriculture, Trade and Consumer Protection (DATCP) to, by rule, define "security deposit" and specify when premises are surrendered and what amounts may be properly withheld from a security deposit.

Currently, administrative rules of DATCP define "security deposit," specify when premises are surrendered and what amounts may be properly withheld from a security deposit, and require a written statement accounting for the amounts withheld. The rules also provide, however, that a security deposit must be delivered or mailed to a tenant within 21 days after the premises are surrendered. Thus, the bill increases the length of time for a landlord to return a security deposit.

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

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704.28 Return of security deposit. (1) A landlord shall deliver or mail to
a tenant, within 45 days after the tenant surrenders the premises, the full amount
of any security deposit paid by the tenant and held by the landlord, less any amounts
properly withheld by the landlord, along with a written statement itemizing the
withheld amounts.

(2) For purposes of sub. (1), the department of agriculture, trade and consumer protection shall by rule define "security deposit" and specify when surrender of the premises occurs and what amounts a landlord may properly withhold from a tenant's security deposit.

SECTION 2. Initial applicability.

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

13 (END)