



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-3889/1
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2023 ASSEMBLY BILL 710

November 27, 2023 - Introduced by Representatives PALMERI, CLANCY, MADISON, SNODGRASS, SHELTON, DRAKE, STUBBS, SINICKI, CABRERA, BALDEH, OHNSTAD, MOORE OMOKUNDE, J. ANDERSON, JOERS and CONSIDINE, cosponsored by Senators AGARD and TAYLOR. Referred to Committee on Housing and Real Estate.

AN ACT *to amend* 704.25 (2) (b) and 704.25 (4); and *to create* 704.167, 704.25

(2) (bm), 704.44 (11) and 704.44 (12) of the statutes; **relating to:** certain requirements for residential leases.

Analysis by the Legislative Reference Bureau

This bill prohibits a landlord from terminating or refusing to renew a residential tenancy without good cause, such as failure to pay rent or breach of the lease terms. The bill also prohibits a landlord from refusing to renew a residential tenancy unless the landlord provides the tenant with written notice of the refusal to renew, and the grounds for the refusal to renew, at least 60 days before the lease expires, except in periodic tenancies or cases in which the tenant has failed to pay rent. The bill also requires a landlord, when renewing a residential tenancy, to offer the tenant the opportunity to enter into a renewed lease for the same period as the tenant's expiring lease, unless there is good cause to offer a renewed lease for a shorter period.

Under current law, if a tenant under a lease for a period of less than one year stays in the premises ("holds over") after the lease expires, the landlord can choose to hold the tenant on a month-to-month basis instead of evicting the tenant. Under the bill, if a residential tenant holds over after the tenant's lease expires, the landlord may still choose to hold the tenant on a month-to-month lease, but only if

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the landlord first offers the tenant the opportunity to enter into a renewed lease for the same period as the tenant's expired lease.

The bill also provides that any lease provision that waives the prohibitions and requirements under this bill is void.

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

SECTION 1. 704.167 of the statutes is created to read:

704.167 Good cause and notice required for termination or refusal to renew residential leases; period of renewed residential tenancies. (1) A residential tenancy may not be terminated, and the renewal of a residential tenancy may not be denied, except upon any of the following grounds:

- (a) Failure to pay rent due.
- (b) Conduct that endangers the health or safety of others or disrupts the right of others to the peaceful enjoyment and use of the premises, after written notice to cease the violation has been delivered to the tenant.
- (c) Vandalism or commission of waste of the property.
- (d) A breach of any term of the lease.
- (e) The landlord seeks to retire the premises permanently from the rental housing market.
- (f) The landlord is required to stop renting the premises as a result of action taken against the landlord by local or state building or health authorities and it is necessary for the premises to be vacated to satisfy the relief sought by the action.
- (g) The physical condition of the premises presents a threat to the health or safety of the tenant or others.
- (h) The tenant refuses to sign a lease.

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(i) The tenant makes a material misrepresentation in the application for tenancy.

(j) Other good cause.

(2) Except as provided under ss. 704.17 and 704.19, a landlord may not refuse to renew a residential tenancy unless the landlord provides the tenant with written notice of the refusal to renew, and the grounds for the refusal to renew, at least 60 days before the lease expires.

(3) When renewing a residential tenancy, a landlord shall offer the tenant the opportunity to enter into a renewed lease for the same period as the tenant's expiring lease unless there is good cause, as described under sub. (1) (a) to (j), to offer a renewed lease for a shorter period.

SECTION 2. 704.25 (2) (b) of the statutes is amended to read:

704.25 (2) (b) ~~All other~~ *Nonresidential leases for less than a year.* If premises are leased for less than a year for any nonresidential use, ~~or if leased for any period primarily for private residential purposes,~~ and the tenant holds over after expiration of the lease, the landlord may elect to hold the tenant on a month-to-month basis; but if such lease provides for a weekly or daily rent, the landlord may hold the tenant only on the periodic basis on which rent is computed.

SECTION 3. 704.25 (2) (bm) of the statutes is created to read:

704.25 (2) (bm) *Residential leases.* If premises are leased for any period primarily for residential purposes, and the tenant holds over after expiration of the lease, the landlord may elect to hold the tenant on a month-to-month basis, but only

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if the landlord first offers the tenant the opportunity to enter into a renewed lease for the same period as the tenant's expired lease.

SECTION 4. 704.25 (4) of the statutes is amended to read:

704.25 (4) EFFECT OF CONTRARY AGREEMENT. This section governs except as the parties agree otherwise either by the terms of the lease itself or by an agreement at any subsequent time, except that any agreement to waive the landlord's duty to offer a renewed lease under sub. (2) (bm) is void.

SECTION 5. 704.44 (11) of the statutes is created to read:

704.44 (11) Allows the landlord to terminate or refuse to renew the tenancy of a residential tenant without one of the grounds under s. 704.167 (1) (a) to (j).

SECTION 6. 704.44 (12) of the statutes is created to read:

704.44 (12) Allows the landlord to refuse to renew the tenancy of a residential tenant without providing the notice under s. 704.167 (2).

(END)