



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-4925/1

MCP:amn

## 2023 SENATE BILL 662

November 9, 2023 - Introduced by Senators LARSON, L. JOHNSON, HESSELBEIN, ROYS, AGARD and SMITH, cosponsored by Representatives CLANCY, MADISON, RATCLIFF, PALMERI, BALDEH, CABRERA, DRAKE, SHELTON, SINICKI, SNODGRASS, STUBBS, HONG, EMERSON, JOERS, CONLEY, C. ANDERSON, JACOBSON, SUBECK, MOORE OMOKUNDE and J. ANDERSON. Referred to Committee on Housing, Rural Issues and Forestry.

**AN ACT** *to amend* 704.05 (5) (a) 1.; and *to create* 704.05 (5) (d) of the statutes;

**relating to:** disposition of property left behind by a tenant and granting rule-making authority.

---

### ***Analysis by the Legislative Reference Bureau***

Under current law, if a tenant vacates a rented premises, the landlord may presume that any personal property left behind has been abandoned and may dispose of it, unless there is a written agreement between the landlord and tenant to the contrary. This bill provides that a landlord may not presume that personal property has been abandoned if there is any indication from the tenant that the property is not abandoned. Under the bill, if the tenant has given any indication that the personal property is not abandoned, the landlord must comply with the 2009 version of the statutes, which require the landlord to either store the property or give the tenant 30 days' notice before disposing of the property.

The bill also prohibits a landlord from charging a tenant more than a reasonable rate for removing, disposing of, selling, or storing the tenant's personal property after the tenant removes from the premises. The bill requires this reasonable rate to be set by rule by the Department of Agriculture, Trade and Consumer Protection.

**SENATE BILL 662****SECTION 1**

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

---

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

**SECTION 1.** 704.05 (5) (a) 1. of the statutes is amended to read:

704.05 (5) (a) 1. If a tenant removes from or is evicted from the premises and leaves personal property, the landlord may presume, in the absence of a written agreement between the landlord and the tenant to the contrary or any indication from the tenant that the personal property is not abandoned, that the tenant has abandoned the personal property and may, subject to par. (am) and s. 799.45 (3m), dispose of the abandoned personal property in any manner that the landlord, in its sole discretion, determines is appropriate. If the tenant has given any indication that the personal property is not abandoned, the landlord shall comply with s. 704.05, 2009 stats., with respect to any personal property left behind by the tenant when the tenant removes from the premises, or if the tenant is evicted from the premises and the landlord notifies the sheriff under s. 799.45 (3m).

**SECTION 2.** 704.05 (5) (d) of the statutes is created to read:

704.05 (5) (d) *Cost to tenant of landlord's disposal of personal property.* A landlord may not charge to a tenant more than a reasonable rate, as determined by the department of agriculture, trade and consumer protection by rule, for removing, disposing of, selling, or storing the tenant's personal property after the tenant removes from the premises.

(END)