



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-4929/1
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2023 SENATE BILL 664

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

AN ACT *to repeal* 704.17 (4m) and 799.40 (1g); and *to amend* 704.19 (7) (c) of the statutes; **relating to:** eviction notices.

Analysis by the Legislative Reference Bureau

Under current law, if a landlord provides notice of termination of a tenant's tenancy due to failure to pay rent or other amount due under the rental agreement and the notice includes an incorrect statement of the amount due, the notice is still valid unless the statement of amount due is intentionally incorrect or the tenant provided a payment of an amount the tenant believes to be due. This bill repeals this provision.

Additionally under current law, notice of termination of tenancy is considered given on the 2nd day after the day of mailing, if the mail is addressed to a point within the state. This bill changes "2nd day" to "5th day."

Also under current law, a landlord providing certain notices of termination of tenancy may provide proof of certified mailing from the United States post office in order to establish that the landlord provided proper notice for the purpose of filing a complaint in small claims court or otherwise demonstrating that proper notice has been provided in an eviction action, and an affidavit of service may not be requested to establish that proper notice has been provided. The bill eliminates that provision.

SENATE BILL 664

SECTION 1

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

SECTION 1. 704.17 (4m) of the statutes is repealed.

SECTION 2. 704.19 (7) (c) of the statutes is amended to read:

704.19 (7) (c) The ~~2nd~~ 5th day after the day of mailing if the mail is addressed to a point within the state, and the 5th day after the day of mailing in all other cases, under s. 704.21 (1) (d) and (2) (c).

SECTION 3. 799.40 (1g) of the statutes is repealed.

(END)