



2019 ASSEMBLY BILL 341

July 16, 2019 - Introduced by Representatives GRUSZYNSKI, SKOWRONSKI, ANDERSON, BILLINGS, BRANDTJEN, BROSTOFF, CONSIDINE, CROWLEY, DOYLE, EDMING, EMERSON, HAYWOOD, HORLACHER, JAGLER, JAMES, KOLSTE, KURTZ, MAGNAFICI, MCGUIRE, MILROY, MURSAU, L. MYERS, OHNSTAD, RIEMER, SHANKLAND, SINICKI, SPIROS, SPREITZER, STUBBS, C. TAYLOR and WICHGERS, cosponsored by Senators HANSEN, COWLES, JACQUE, RINGHAND, L. TAYLOR, WANGGAARD and WIRCH. Referred to Committee on State Affairs.

AUTHORS SUBJECT TO CHANGE

- 1 **AN ACT to create** 704.145 of the statutes; **relating to:** grace period for late rent
2 payments by tenants receiving military housing allowances.

Analysis by the Legislative Reference Bureau

Under current law, if a tenant is late in paying rent, the landlord may give the tenant a notice that requires the tenant to pay rent or vacate within at least five days after the notice is given (a five-day notice). If the tenant fails to pay the rent by that date, the tenancy is terminated.

Under the bill, if a landlord gives a tenant a five-day notice for failure to pay rent, the tenancy does not terminate if: 1) the tenant receives a housing allowance from the U.S. Department of Veterans Affairs and notified the landlord of this fact at the time of starting the tenancy or entering into the lease; 2) within five days after the landlord gives the five-day notice, the tenant provides the landlord with documentation showing that issuance of the tenant's current housing allowance is delayed; and 3) the tenant pays the delinquent rent payment within 30 days after the landlord gives the five-day notice.

Under current law, a landlord is not required to give a five-day notice to a month-to-month tenant who is late in paying rent, but may instead give the month-to-month tenant a notice requiring the tenant to vacate within at least 14 days after the notice is given (a 14-day notice), without the option to cure by paying rent. For a year-to-year tenant or a tenant under a lease for a term of one year or less, if the landlord has previously given the tenant a five-day notice for failure to pay rent and, within one year, the tenant is again late in paying rent, the landlord may give the tenant a 14-day notice to vacate.

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Under the bill, if a landlord gives a month-to-month tenant a 14-day notice to vacate, the tenancy does not terminate if the three requirements listed above are met, and if the tenant has not received a five-day or 14-day notice for failure to pay rent in the previous 12 months. The bill does not affect a landlord's ability to give a 14-day notice to a year-to-year tenant or a tenant under a lease for a term of one year or less who has received a five-day notice in the previous year.

The bill also prohibits a landlord from charging a late fee if all of the applicable requirements described above have been met.

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:

1 **SECTION 1.** 704.145 of the statutes is created to read:

2 **704.145 Protections for veterans receiving housing allowances. (1)**

3 Notwithstanding s. 704.17 (1p) (a) and (2) (a), if a landlord gives a notice to pay rent
4 or vacate within at least 5 days to a week-to-week, month-to-month, or
5 year-to-year tenant or to a tenant under a lease for a term of one year or less, the
6 tenancy does not terminate if all of the following conditions are met:

7 (a) The tenant receives a housing allowance from the U.S. department of
8 veterans affairs.

9 (b) The tenant notified the landlord that the tenant receives a housing
10 allowance from the U.S. department of veterans affairs at the time the lease was
11 entered into or the tenancy began or, if the tenant began receiving a housing
12 allowance after the lease was entered into or the tenancy began, within a reasonable
13 time after beginning to receive a housing allowance.

14 (c) Within 5 days after the landlord gives the notice, the tenant provides the
15 landlord with documentation showing that payment of the current housing
16 allowance to the tenant has been delayed.

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1 (d) The tenant pays the delinquent rent payment within 30 days after the
2 landlord gives the notice.

3 (2) Notwithstanding s. 704.17 (1p) (a), if a landlord gives a month-to-month
4 tenant who is in default of a rent payment a notice to vacate within at least 14 days,
5 the tenancy does not terminate if all of the conditions under sub. (1) (a) to (d) are met
6 and if the landlord has not given the tenant, in any of the previous 12 months, a notice
7 to pay rent or vacate within at least 5 days or notice to vacate within at least 14 days.

8 (3) A landlord who gives a notice to pay rent or vacate within at least 5 days
9 may not charge a late fee for a late rent payment if all of the conditions under sub.
10 (1) (a) to (d) are met. A landlord who gives a month-to-month tenant who is in
11 default of a rent payment a notice to vacate within at least 14 days may not charge
12 a late fee for a late rent payment if all of the conditions under sub. (1) (a) to (d) are
13 met and if the landlord has not given the tenant, in any of the previous 12 months,
14 a notice to pay rent or vacate within at least 5 days or notice to vacate within at least
15 14 days.

16 **SECTION 2. Initial applicability.**

17 (1) This act first applies to notices that have been given by a landlord but that
18 have not expired on the effective date of this subsection.

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(END)