

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

2003-04

(session year)

Assembly

(Assembly, Senate or joint)

**Committee on
Housing
(AC-Ho)**

File Naming Example:

Record of Comm. Proceedings ... RCP

- 05hr_AC-Ed_RCP_pt01a
- 05hr_AC-Ed_RCP_pt01b
- 05hr_AC-Ed_RCP_pt02

Published Documents

➤ Committee Hearings ... CH (Public Hearing Announcements)

➤ **

➤ Committee Reports ... CR

➤ **

➤ Executive Sessions ... ES

➤ **

➤ Record of Comm. Proceedings ... RCP

➤ **

*Information Collected For Or
Against Proposal*

➤ Appointments ... Appt

➤ **

➤ Clearinghouse Rules ... CRule

**

➤ Hearing Records ... HR (bills and resolutions)

➤ **03hr_ab0583_AC-Ho_pt**  ⁰²

➤ Miscellaneous ... Misc

➤ **

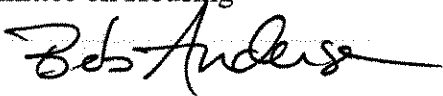
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TO: Assembly Committee on Housing
FROM: Bob Andersen 
RE: AB 583, relating to the time for withholding security deposits, establishing a definition of a "security deposit" and establishing a definition of "surrender."
DATE: February 26, 2004

LAW is opposed to AB 583. I was involved as a member of an ad hoc committee established by DATCP to draft the administrative rules which govern landlord tenant law under ATCP 134.

1. We believe that the bill misunderstands what is required by current law. ATCP 134.06 (4) requires only that a landlord submit a written statement describing the reasons for withholding part or all of the security deposit with 21 days. It does not require that the landlord submit bills for work done by that time or that the charges to be made are the final charges that will occur. The only limitation on the statement of the landlord is that the landlord not *intentionally misrepresent or falsify* the statement that is made. Otherwise the statement that is being made is merely an estimate.

21 days is more than enough time for a landlord to submit such a preliminary statement. The law only requires that the *landlord do something within 21 days* or the landlord loses the right to keep the security deposit, under ATCP 134.06 (2). There is definitely no need to extend that 21 days to 45 days. We have to assume that AB 583 assumes that the law requires a *final billing* for the cost of repairs within 21 days, in attempting to extend that time to 45 days. The law simply does not do that.

2. The bill calls for administrative rules to be adopted to define what is a security deposit. This is superfluous, because the rules already define what is a security deposit and if there is a need for a better definition, DATCP should be requested to change the rule. The fact is that the definition of security deposit in the current rule was reached only after long discussions about what the definition needs to include.
3. The same is true for the definition of "surrender." The definition of surrender was the subject of protracted discussions in the ad hoc committee referred to above. What resulted is the definition that exists in ATCP 134.06 (2)(b). This definition was widely sought by the landlord community and they were very happy with the definition that was achieved by the ad hoc committee.