State of Wisconsin
2023 - 2024 LEGISLATURE

LRB–3899/1
KRP:emw

2023 ASSEMBLY BILL 704

November 27, 2023 – Introduced by Representatives CLANCY, MADISON, RATCLIFF, PALMERI, C. ANDERSON, J. ANDERSON, BALDEH, CABRERA, CONSIDINE, DRAKE, EMERSON, HONG, JACOBSON, MOORE OMOKUNDE, SHELTON, SINICKI, SNODGRASS and STUBBS, cosponsored by Senators LARSON and ROYS. Referred to Committee on Judiciary.

AN ACT ***to repeal*** 799.40 (1s) of the statutes; **relating to:** the defense of waiver in eviction actions.

Analysis by the Legislative Reference Bureau

Current law provides that, in a small claims eviction action, it is not a defense to the action that the landlord or tenant has previously waived a breach of the rental agreement, including by accepting late rent payments, or that a custom or practice developed between the landlord and tenant so as to waive the right of the landlord or tenant to insist upon strict performance of the terms of the rental agreement. This bill eliminates that prohibition on the defense of waiver.

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

SECTION 1. 799.40 (1s) of the statutes is repealed.

(END)