

# Changes to Landlord's Right to Dispose of a Tenant's Personal Property Post Eviction

Numerous modifications to Wisconsin's landlord/tenant laws were enacted in 2013 and, for the most part, became effective as of March 1, 2015. One major change affects a landlord's obligation to store an evicted tenant's personal property.

Pursuant to the prior law,<sup>1</sup> which still applies to evictions filed before March 1, 2015, a landlord must arrange with a sheriff to move and store any personal property of the to-be-evicted tenant. In most counties, this requires a landlord to set up the eviction with a bonded mover, although some counties allow landlords to purchase their own bond of insurance. After eviction, a landlord cannot throw away any of the evicted tenant's property; only a sheriff has the authority to determine whether something is trash to be thrown away. The sheriff must give the evicted tenant notice of the location of the stored property and the cost to retrieve such property. Before disposal of any stored property, 30 days' notice to the evicted tenant is required.

Now, as modified<sup>2</sup> (which applies to evictions filed on or after March 1, 2015), absent a written agreement between a landlord and a tenant to the contrary, a landlord may presume that any personal property left by an evicted tenant is deemed abandoned, and a landlord may dispose of the abandoned personal property as it considers appropriate. There are limited exceptions to this rule for prescription medication and medical equipment,<sup>3</sup> or if the property is a mobile home or vehicle.<sup>4</sup> Beyond notifying a sheriff that the landlord is removing abandoned property themselves, no sheriff involvement is required.

Importantly, the new law applies only if the landlord provides written notice in the tenant's rental agreement that the landlord will not store any personal property left behind by the tenant. If no such notice is provided in the rental agreement, the landlord must follow the old statutory requirements.

## Key Takeaways for Landlords:

1. Check your rental agreements to be sure they include a provision that the landlord will not store any tenant's personal property.
2. Remember that you must follow the old statutory eviction requirements for

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evictions filed before March 1, 2015.

3. For evictions filed after March 1, 2015, there is no requirement for a landlord to store personal property of evicted tenants so long as (a) the rental agreement includes the required notice provision and (b) the personal property does not qualify for an exception (i.e., the property is not medical equipment, prescriptions, a mobile home or a vehicle).

If you have questions about this case or foreclosure processes in Wisconsin generally, please contact your Reinhart attorney or any member of the Reinhart [Real Estate](#) Team.

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<sup>1</sup> Wis. Stat. § 799.45(2) & (3) (2013-14).

<sup>2</sup> Wis. Stat. § 704.05(5) (2013-14).

<sup>3</sup> Landlord must hold prescription medication and medical equipment for seven days from the date on which the landlord discovers the property before disposing of the medication and/or equipment. Wis. Stat. § 704.05(5)(am) (2013-14).

<sup>4</sup> Notice is required prior to disposal of a manufactured or mobile home, or a vehicle. Wis. Stat. § 704.05(5)(b) (2013-14).

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