

**FIVE DAY NOTICE TO VACATE - NUISANCE OR THREAT OF HARM**

1 To: \_\_\_\_\_

2 \_\_\_\_\_ (list tenant names)

3 (hereinafter "Tenant"):

4 Landlord hereby gives Tenant this Notice with respect to the Premises at \_\_\_\_\_

5 \_\_\_\_\_ (state address

6 and apartment/unit number)(hereinafter "Premises"):

7 **Your tenancy of the Premises is terminated within five (5) days from service of this notice.**  
8 **You must vacate and remove all of your property (including property of your guests, invitees, etc.) from the**  
9 **Premises within five (5) days from service hereof.**

10  **NUISANCE:**

11 This Notice is given as a result of a written notice received from a law enforcement agency of a city, town or village  
12 dated \_\_\_\_\_, \_\_\_\_\_, that a nuisance under Wis. Stat. § 823.113(1) or (1m)(b) exists in the  
13 Premises or that a nuisance was caused by you on the Landlord's property.

14  **CHECK LINE 15 OR 16 AND COMPLETE AS APPLICABLE**

15  Attached is the law enforcement notice advising that a nuisance exists under § 823.113(1) or (1m)(b).

16  This notice is issued based on a law enforcement notice that a (Drug House)(Criminal Gang House)  **STRIKE ONE**  
17 exists in the Premises or was caused by you on Landlord's property.

18  **IMMINENT THREAT OF HARM:**

19 This Notice is given because you have committed one or more acts causing another tenant or tenant's child to face  
20 imminent threat of serious physical harm, and you are named in an injunction or condition of release protecting the  
21 tenant or tenant's child, or a criminal complaint alleging sexual assault, stalking, or domestic abuse of the other  
22 tenant or tenant's child, Wis.Stat. § 704.17 or 704.16(3).

23 **You have a right to contest this termination of your tenancy in an eviction action in small claims court.**

24 Date Signed: \_\_\_\_\_

25 (X) \_\_\_\_\_

26 Landlord/Agent's Signature ▲ Print Company/Individual Name & Capacity Below ▼

27 \_\_\_\_\_



**SERVICE OF NOTICE:**

- Copy given to Tenant or left at Premises with Tenant's family member
- Copy left with person in charge of Premises AND copy mailed to Tenant
- Copy affixed to Premises AND copy mailed to Tenant
- Copy mailed to Tenant by registered or certified mail
- Copy served on Tenant by process server/sheriff

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**TENANT RECEIPT:**

A copy of this Notice was received by me on \_\_\_\_\_ (date).

Signature: \_\_\_\_\_

## RELATED NOTICE AND NUISANCE STATUTES

28 **Wis.Stat. § 704.17 Notice terminating tenancies for failure to pay rent or other breach by tenant.**

29 (1) MONTH-TO-MONTH AND WEEK-TO-WEEK TENANCIES. (c) A property owner may terminate the tenancy of a week-to- week or month-to-month  
30 tenant if the property owner receives written notice from a law enforcement agency of a city, town or village that a nuisance under s. 823.113 (1) or  
31 (1m) (b) exists in that tenant's rental unit or was caused by that tenant on the property owner's property and if the property owner gives the tenant  
32 written notice requiring the tenant to vacate on or before a date at least 5 days after the giving of the notice. The notice shall state the basis for its  
33 issuance and the right of the tenant to contest the termination of tenancy in an eviction action under ch. 799. If the tenant contests the termination of  
34 tenancy, the tenancy may not be terminated without proof by the property owner by the greater preponderance of the credible evidence of the  
35 allegation in the notice from the law enforcement agency of a city, town or village that a nuisance under s. 823.113 (1) or (1m) (b) exists in that  
36 tenant's rental unit or was caused by that tenant.

37 (2) TENANCIES UNDER A LEASE FOR ONE YEAR OR LESS, AND YEAR-TO-YEAR TENANCIES. (c) A property owner may terminate the tenancy  
38 of a tenant who is under a lease for a term of one year or less or who is a year-to-year tenant if the property owner receives written notice from a law  
39 enforcement agency of a city, town or village that a nuisance under s. 823.113 (1) or (1m) (b) exists in that tenant's rental unit or was caused by that  
40 tenant on the property owner's property and if the property owner gives the tenant written notice requiring the tenant to vacate on or before a date at  
41 least 5 days after the giving of the notice. The notice shall state the basis for its issuance and the right of the tenant to contest the termination of  
42 tenancy in an eviction action under ch. 799. If the tenant contests the termination of tenancy, the tenancy may not be terminated without proof by the  
43 property owner by the greater preponderance of the credible evidence of the allegation in the notice from the law enforcement agency of a city, town  
44 or village that a nuisance under s. 823.113 (1) or (1m) (b) exists in that tenant's rental unit or was caused by that tenant.

45 (3) LEASE FOR MORE THAN ONE YEAR. (b) A property owner may terminate the tenancy of a tenant who is under a lease for a term of more than  
46 one year if the property owner receives written notice from a law enforcement agency of a city, town or village that a nuisance under s. 823.113 (1)  
47 or (1m) (b) exists in that tenant's rental unit or was caused by that tenant on the property owner's property and if the property owner gives the  
48 tenant written notice to vacate on or before a date at least 5 days after the giving of the notice. The notice shall state the basis for its issuance and the  
49 right of the tenant to contest the termination of tenancy in an eviction action under ch. 799. If the tenant contests the termination of tenancy, the  
50 tenancy may not be terminated without proof by the property owner by the greater preponderance of the credible evidence of the allegation in the  
51 notice from the law enforcement agency of a city, town or village that a nuisance under s. 823.113 (1) or (1m) (b) exists in that tenant's rental unit or  
52 was caused by that tenant.

53 **Wis.Stat. § 823.113 Drug or criminal gang house a public nuisance**

54 (1) Any building or structure that is used to facilitate the delivery, distribution or manufacture, as defined in s. 961.01 (6), (9) and (13) respectively,  
55 of a controlled substance, as defined in s.961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m), and any building or structure  
56 where those acts take place, is a public nuisance and may be proceeded against under this section.

57 (1m) (a) In this subsection, "criminal gang" has the meaning given in s. 939.22 (9).

58 (b) Any building or structure that is used as a meeting place of a criminal gang or that is used to facilitate the activities of a criminal gang, is a  
59 public nuisance and may be proceeded against under this section.

60 **Wis.Stat. § 939.22 Words and phrases defined.**

61 (9) "Criminal gang" means an ongoing organization, association or group of 3 or more persons, whether formal or informal, that has as one of its  
62 primary activities the commission of one or more of the criminal acts, or acts that would be criminal if the actor were an adult, specified in s.939.22  
63 (21) (a) to (s); that has a common name or a common identifying sign or symbol; and whose members individually or collectively engage in or have  
64 engaged in a pattern of criminal gang activity.

65 **Wis. Stat. § 704.16(3) TERMINATION OF TENANCY BY LANDLORD.** (a) In this subsection, "offending tenant" is a tenant whose tenancy is being  
66 terminated under this subsection.

67 (b) A landlord may terminate the tenancy of an offending tenant if all of the following apply:

68 1. The offending tenant commits one or more acts, including verbal threats, that cause another tenant, or a child of that other tenant, who occupies  
69 a dwelling unit in the same single-family rental unit, multiunit dwelling, or apartment complex as the offending tenant to face an imminent threat of  
70 serious physical harm from the offending tenant if the offending tenant remains on the premises.

71 2. The offending tenant is the named offender in any of the following:

72 a. An injunction order under s. 813.12 (4) protecting the other tenant from the offending tenant.

73 b. An injunction order under s. 813.122 protecting the child of the other tenant from the offending tenant.

74 c. An injunction order under s. 813.125 (4) protecting the other tenant or the child of the other tenant from the offending tenant, based on the offending  
75 tenant's engaging in an act that would constitute sexual assault under s. 940.225, 948.02, or 948.025, or stalking under s. 940.32, or attempting or  
76 threatening to do the same.

77 d. A condition of release under ch. 969 ordering the offending tenant not to contact the other tenant.

78 e. A criminal complaint alleging that the offending tenant sexually assaulted the other tenant or the child of the other tenant under s. 940.225, 948.02,  
79 or 948.025.

80 f. A criminal complaint alleging that the offending tenant stalked the other tenant or the child of the other tenant under s. 940.32.

81 g. A criminal complaint that was filed against the offending tenant as a result of the offending tenant being arrested for committing a domestic abuse  
82 offense against the other tenant under s. 968.075.

83 3. The landlord gives the offending tenant written notice that complies with s. 704.21 requiring the offending tenant to vacate on or before a date that  
84 is at least 5 days after the giving of the notice. The notice shall state the basis for its issuance and the right of the offending tenant to contest the  
85 termination of tenancy in an eviction action under ch. 799. If the offending tenant contests the termination of tenancy, the tenancy may not be  
86 terminated without proof by the landlord by the greater preponderance of the credible evidence of the allegations against the offending tenant.