

Step-by-Step Procedures

Lien Processing Deadlines

There are four (4) deadlines associated with the Lien Process.

The procedure for each is outlined below by deadline.

- **October 1** - Initial load of qualifying overdue accounts
- **October 15** - Notification of impending penalty and tax lien
- **November 1** - Apply penalty to qualifying overdue accounts
- **November 16** - Submission of remaining qualifying accounts for tax lien

Important Items to Consider

A) If the Tenant paid their balance in full *before* November 16, then the delinquency is satisfied.

B) If the Owner/Landlord pays the balance *before* November 16, then, the Utility uses the form to the right to transfer the lien to the Owner/Landlord.

The Utility completes the form and both the Owner/Landlord as well as the Utility must sign the form.

If using this form, remember to keep a copy for the Utilities' record.

Best Practice: Scan the signed document to eDocs and save it to the account.

EXHIBIT D - NEW FORM REPLACING PRIOR FORM UTILITY LIEN ON TENANT'S PERSONAL PROPERTY

Pursuant to Wis. Stat. § 66.0809(3m)(a), the Utility obtained a lien upon the personal assets of the tenant named below for unpaid utility service provided to the rental dwelling at the below-listed address.

Tenant Responsible for Utility Charges:

Tenant Name (First, MI, Last): _____

Tenant Date of Birth (MM/DD/YYYY): _____

Property Service Address: _____
(Identify Specific Rental Dwelling Unit)

Amount of Past Due Utility Charges and Penalties: _____

Pursuant to Wis. Stat. § 66.0809(3m)(d), the Utility's lien on the tenant's personal assets transfers to the owner of the rental property if the property owner pays the past due utility charges in full.

PROPERTY OWNER'S CERTIFICATION OF PAYMENT

As the property owner for this service address, I certify that:

- The individual listed above is or was a tenant at the service address listed above and is responsible for the payment of utility charges at the identified rental dwelling unit.
- I have paid and have provided the Utility with documentation of my payment of the past due utility charges and penalties for this service address. (Attach documentation)
- I have not been paid or reimbursed for the past due utility charges.
- I have not withheld past due utility charges from the tenant's security deposit.

Property Owner's Name (Printed): _____

Property Owner's Signature: _____

Date: _____

DOCUMENTATION OF TRANSFER OF LIEN TO PROPERTY OWNER

Based upon the certification and documentation provided by property owner, Utility hereby assigns and transfers its lien on the above-named tenant's personal assets, and all rights and interests related to that lien, to the above-named property owner. This assignment is in accordance with Wis. Stat. § 66.0809(3m)(d).

Signed by Utility: _____

Date: _____

Preparing for the Lien Process for Tenant Occupied Properties

There are four (4) key questions to ask when determining if a tenant responsible account may be included in the lien process.

The utility must be able to answer YES to all four (4) questions to include the account in the lien process.

Question 1:

Is the property a residential rental property?

Yes or No

Question 2:

Did the landlord/owner notify the municipal utility that the tenant is responsible for the bill *AND* provide the 'necessary' tenant information?

A.) Bills must be in the tenant's name.

B.) Necessary information is considered the reasonable data needed to identify the tenant and contact him/her.

1. Per statute [66.0809\(5\)](#), the Owner/Landlord must notify the Utility in writing if they want to receive past due notices,
2. have the Utility continue attempts to collect debt from tenant after the tenant vacates the premise, and
3. have the option to put a lien on the tenants' property.

Note: The Utility does have the authority to create a policy to accept the information either verbally, in writing, or a formal landlord tenant agreement.

If the Landlord/Owner failed to notify the Utility per the Utility's method, the Utility is to treat the debt as owner's debt and follow that tax lien process.

Question 3:

Were the services provided prior to October 1 *AND* delinquent on October 15?

If the answer is *NO*, the debt remains as is on the account. The utility may check if the account qualifies for the lien process the next year.

Question 4:

Did the municipal utility provide the owner notice of the tenant's past due balance(s) within 14 days of being late?

If the utility failed to notify the owner of the past due balance(s), the utility may *never* tax lien the owner for that amount.

If the utility answered YES to all four (4) questions, the utility has set of deadlines to meet to complete the Lien Process.