

State of Misconsin 2023 - 2024 LEGISLATURE

LRB-3901/1 KRP:amn

## **2023 ASSEMBLY BILL 705**

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

1 AN ACT to amend 799.40 (4) (a) of the statutes; relating to: the mandatory stay

2 of eviction proceedings against a tenant who has applied for emergency

3 assistance.

## Analysis by the Legislative Reference Bureau

Under current law, if a tenant facing eviction applies for emergency assistance under the Wisconsin Works (W-2) program, the court must stay the eviction proceedings until the tenant's eligibility for emergency assistance is determined and, if the tenant is determined to be eligible, until the tenant receives the emergency assistance. However, current law provides that the stay may not remain in effect for more than 10 working days and that no stay may be granted after a writ of restitution of the premises has been issued. Currently, the Department of Children and Families administers the W-2 program, which provides, among other things, emergency financial assistance to qualifying families who are homeless or who are facing impending homelessness.

This bill eliminates the current law restrictions on the mandatory emergency stay in eviction proceedings. In other words, under the bill, a tenant who applies for W-2 emergency assistance is entitled to have eviction proceedings stayed even if a writ of restitution has been issued, and the stay must remain in effect until the

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tenant's eligibility for emergency assistance is determined and, if the tenant is determined to be eligible, until the tenant receives the emergency assistance.

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

**SECTION 1.** 799.40 (4) (a) of the statutes is amended to read:

 $\mathbf{2}$ 799.40 (4) (a) The court shall stay the proceedings in a civil action of eviction 3 if the tenant applies for emergency assistance under s. 49.138, except that no stay 4 may be granted under this paragraph after a writ of restitution has been issued in the proceedings. If a stay is granted, the tenant shall inform the court of the outcome  $\mathbf{5}$ 6 of the determination of eligibility for emergency assistance. The stay remains in 7 effect until the tenant's eligibility for emergency assistance is determined and, if the 8 tenant is determined to be eligible, until the tenant receives the emergency 9 assistance, except that the stay may not remain in effect for more than 10 working 10 days, as defined in s. 227.01 (14).

(END)

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