

1        **AN ACT** *to amend* 799.40 (4); and *to create* 166.03 (1) (b) 9. and 799.40 (4) (b) of the  
 2                    statutes; **relating to:** a moratorium on rental evictions during a state of emergency  
 3                    [related to public health].

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

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This bill draft was prepared for the Joint Legislative Council’s Special Committee on Disaster Preparedness Planning. The governor can declare a state of emergency [related to public health] under s. 166.03 (1) (b) 1., stats. Under current law, the governor does not have authority to declare a moratorium on rental evictions for residential property during a state of emergency. This bill draft gives the governor authority to declare a moratorium on rental evictions for residential property during a state of emergency [related to public health] but excludes evictions under s. 704.17 (1) (c), (2) (c), and (3) (b), stats., from a moratorium. Section 704.17 (1) (c), (2) (c), and (3) (b) allow a property owner to evict a tenant if a nuisance exists in the tenant’s rental unit, after notification by a law enforcement agency that the property is being used as a drug house or criminal gang house under s. 823.113, stats.

**COMMENT:** The committee discussed whether to authorize the governor to declare a moratorium on rental evictions during a state of emergency or during a state of emergency related to public health. This bill draft provides a choice between the 2 options. The governor can only declare a state of emergency related to public health if he or she determines that a public health emergency exists. [s. 166.03 (1) (b) 1., stats.] A “public health emergency” is defined in s. 166.02 (7), stats., as:

“[T]he occurrence or imminent threat of an illness or health condition that meets all of the following criteria:

(a) Is believed to be caused by bioterrorism or a novel or previously controlled or eradicated biological agent.

(b) Poses a high probability of any of the following:

1. A large number of deaths or serious or long–term disabilities among humans.

