



1995 ASSEMBLY BILL 517

August 21, 1995 - Introduced by Representatives HUEBSCH, HASENOHRL, SCHNEIDERS, DOBYNS, FREESE, ZIEGELBAUER, HAHN, MUSSER, LADWIG, GROTHMAN, SILBAUGH, LEHMAN, VRAKAS, GROBSCHMIDT, GUNDERSON, OWENS, JENSEN and WALKER, cosponsored by Senator DARLING. Referred to Committee on Welfare Reform.

1 **AN ACT to amend** 49.19 (5) (cm) 1., 49.19 (5) (cm) 2., 49.19 (5) (cm) 3. c., 49.19 (5)
2 (cm) 3. d., 49.19 (5) (cm) 4., 49.19 (5) (cm) 5., 49.19 (5) (cm) 6. (intro.), 49.19 (5)
3 (cm) 6. a. and 49.50 (8) (b) 2. (intro.) of the statutes; **relating to:** the form of
4 certain payments under the aid to families with dependent children program.
5

Analysis by the Legislative Reference Bureau

Current law requires the department of health and social services (DHSS) to make a 2-party payment for rent if it is determined that a recipient of aid to families with dependent children (AFDC) has failed to pay rent for 2 or more months, unless the failure to pay rent is authorized by law. A 2-party payment is a check drawn in favor of the AFDC recipient and the recipient's landlord. This bill changes these provisions so that, instead of a 2-party payment, DHSS makes a direct payment to the recipient's landlord.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

6 **SECTION 1.** 49.19 (5) (cm) 1. of the statutes is amended to read:
7 49.19 (5) (cm) 1. In this paragraph, "2-party direct payment" means a check
8 which is drawn in favor of the landlord of a recipient of aid under this section and the
9 recipient's landlord, jointly.

1 **SECTION 2.** 49.19 (5) (cm) 2. of the statutes is amended to read:

2 49.19 (5) (cm) 2. A ~~2-party~~ direct payment shall be made whenever a recipient
3 of aid under this section has failed to pay rent to the landlord for 2 months or more,
4 unless the failure to pay rent is authorized by law.

5 **SECTION 3.** 49.19 (5) (cm) 3. c. of the statutes is amended to read:

6 49.19 (5) (cm) 3. c. If it determines that the conditions for issuing a ~~2-party~~
7 direct payment under subd. 2. are met, inform the recipient of the right to a fair
8 hearing on the issue of whether ~~2-party~~ direct payment of rent should be made and
9 inform the department of health and social services of its determination.

10 **SECTION 4.** 49.19 (5) (cm) 3. d. of the statutes is amended to read:

11 49.19 (5) (cm) 3. d. If it determines that ~~2-party~~ direct payments should not
12 be made, inform the recipient and the landlord of that determination.

13 **SECTION 5.** 49.19 (5) (cm) 4. of the statutes is amended to read:

14 49.19 (5) (cm) 4. When it has been determined that a ~~2-party~~ direct payment
15 of rent should be made, the department of health and social services shall issue the
16 recipient's monthly grant in 2 checks, a ~~2-party~~ direct payment for the amount of the
17 rent and a check drawn in favor of the recipient for the balance of the grant amount.

18 **SECTION 6.** 49.19 (5) (cm) 5. of the statutes is amended to read:

19 49.19 (5) (cm) 5. The county department shall review each case in which a
20 ~~2-party~~ direct payment is being made at least once every 12 months and whenever
21 a recipient reports that a condition under subd. 6. for the cessation of ~~2-party~~ direct
22 payments exists.

23 **SECTION 7.** 49.19 (5) (cm) 6. (intro.) of the statutes is amended to read:

24 49.19 (5) (cm) 6. (intro.) The county department shall inform the department
25 of health and social services, and the department of health and social services shall

1 cease making a ~~2-party~~ direct payment, when the county department determines
2 that any of the following conditions exists:

3 **SECTION 8.** 49.19 (5) (cm) 6. a. of the statutes is amended to read:

4 49.19 (5) (cm) 6. a. A ~~2-party~~ direct payment has been made for 24 consecutive
5 months.

6 **SECTION 9.** 49.50 (8) (b) 2. (intro.) of the statutes is amended to read:

7 49.50 (8) (b) 2. (intro.) If a recipient requests a hearing within the timely notice
8 period specified in 45 CFR 205.10, aid shall not be suspended, reduced or
9 discontinued until a decision is rendered after the hearing but may be recovered by
10 the department if the contested decision or failure to act is upheld. Until a decision
11 is rendered after the hearing, the manner or form of aid payment to the recipient
12 shall not change to a protective, ~~vender or 2-party~~ or direct payment. Aid shall be
13 suspended, reduced or discontinued if:

14 (END)