



1995 SENATE BILL 194

May 16, 1995 - Introduced by Senators LEEAN, ELLIS and RUDE, by request of Governor Tommy G. Thompson. Referred to Committee on Health, Human Services and Aging.

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)