

State of Wisconsin



2009 Senate Bill 413

Date of enactment: **February 17, 2010**

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2009 WISCONSIN ACT 125

AN ACT *to amend* 823.23 (1) (e), 823.23 (2) (a), 823.23 (2) (b) (intro.), 823.23 (2) (d), 823.23 (2) (h) 2., 823.23 (6) (b) 1. and 823.23 (7) (c) 2. of the statutes; **relating to:** receivership for abatement of residential nuisances.

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

SECTION 1. 823.23 (1) (e) of the statutes is amended to read:

823.23 (1) (e) "Residential property" means land, together with all the improvements erected on the land, that is located in a ~~1st or 2nd~~-class city, village, or town and used or intended to be used for residential purposes, including single-family, duplex, and multifamily structures, and mixed-use structures that have one or more residential units.

SECTION 2. 823.23 (2) (a) of the statutes is amended to read:

823.23 (2) (a) If a residential property is alleged to be a nuisance under this chapter or s. 254.595, the ~~1st or 2nd~~-class city, village, or town in which the property is located may apply to the circuit court for the appointment of a receiver to abate the nuisance.

SECTION 3. 823.23 (2) (b) (intro.) of the statutes is amended to read:

823.23 (2) (b) (intro.) At least 60 days before filing an application for the appointment of a receiver under par. (a), the ~~1st or 2nd~~-class city, village, or town shall give written notice by 1st class mail to all owners, owner's agents, and interested parties at their last-known

address of the intent to file the application and by publication as a class 1 notice under ch. 985. The notice shall include all of the following information:

SECTION 4. 823.23 (2) (d) of the statutes is amended to read:

823.23 (2) (d) A city, village, or town may not apply for the appointment of a receiver under this subsection if an interested party has commenced and is prosecuting in a timely fashion an action or other judicial or administrative proceeding to foreclose a security interest on the residential property, or to obtain specific performance of, or forfeit, the purchaser's interest in a land contract.

SECTION 5. 823.23 (2) (h) 2. of the statutes is amended to read:

823.23 (2) (h) 2. A nonprofit corporation, the primary purpose of which is the improvement of housing conditions within the city, village, or town in which the property is located.

SECTION 6. 823.23 (6) (b) 1. of the statutes is amended to read:

823.23 (6) (b) 1. The city, village, or town gave the holder of the purchase money security interest and any vendee, mortgagor, or grantor under such purchase money security interest the notice under sub. (2) (b).

SECTION 7. 823.23 (7) (c) 2. of the statutes is amended to read:

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

823.23 (7) (c) 2. That the improvements on the property have been demolished by the ~~1st or 2nd class city, village or town.~~
