



2009 SENATE BILL 413

December 2, 2009 – Introduced by Senators ERPENBACH, RISSER, MILLER, TAYLOR, COGGS and SCHULTZ, cosponsored by Representatives BERCEAU, MURSAU, TOWNSEND, RIPP, STEINBRINK, STRACHOTA, POPE-ROBERTS, A. WILLIAMS and A. OTT. Referred to Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.

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

Analysis by the Legislative Reference Bureau

Under current law, if a residential property located in a first class or second class city is alleged to be a nuisance, the city may apply to the circuit court for the appointment of a receiver to remove, suspend, or correct the nuisance. Currently, a receiver appointed by the court may take possession of the property, charge and collect rents, negotiate contracts regarding the property, pay property taxes, and abate the nuisance.

This bill allows all cities, villages, and towns, not just first class and second class cities, to apply to the circuit court for the appointment of a receiver to take possession of the property and have all of the powers currently available to first class and second class cities.

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

4 **SECTION 1.** 823.23 (1) (e) of the statutes is amended to read:
5 823.23 (1) (e) “Residential property” means land, together with all the
6 improvements erected on the land, that is located in a ~~1st or 2nd class city,~~ village.

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1 or town and used or intended to be used for residential purposes, including
2 single-family, duplex, and multifamily structures, and mixed-use structures that
3 have one or more residential units.

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

5 823.23 (2) (a) If a residential property is alleged to be a nuisance under this
6 chapter or s. 254.595, the ~~1st or 2nd class city,~~ village, or town in which the property
7 is located may apply to the circuit court for the appointment of a receiver to abate the
8 nuisance.

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

10 823.23 (2) (b) (intro.) At least 60 days before filing an application for the
11 appointment of a receiver under par. (a), the ~~1st or 2nd class city,~~ village, or town
12 shall give written notice by 1st class mail to all owners, owner's agents, and
13 interested parties at their last-known address of the intent to file the application and
14 by publication as a class 1 notice under ch. 985. The notice shall include all of the
15 following information:

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

17 823.23 (2) (d) A city, village, or town may not apply for the appointment of a
18 receiver under this subsection if an interested party has commenced and is
19 prosecuting in a timely fashion an action or other judicial or administrative
20 proceeding to foreclose a security interest on the residential property, or to obtain
21 specific performance of, or forfeit, the purchaser's interest in a land contract.

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

23 823.23 (2) (h) 2. A nonprofit corporation, the primary purpose of which is the
24 improvement of housing conditions within the city, village, or town in which the
25 property is located.

