

**2009 DRAFTING REQUEST**

**Bill**

Received: **09/25/2009**

Received By: **rnelson2**

Wanted: **As time permits**

Identical to LRB:

For: **Jon Erpenbach (608) 266-6670**

By/Representing: **Trug**

This file may be shown to any legislator: **NO**

Drafter: **rnelson2**

May Contact:

Addl. Drafters:

Subject: **Courts - garn/injunct**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Erpenbach@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Receivership in nuisance actions

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**Instructions:**

See attached companion to -1859/1

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**Drafting History:**

| <u>Vers.</u> | <u>Drafted</u>         | <u>Reviewed</u>        | <u>Typed</u>           | <u>Proofed</u> | <u>Submitted</u>      | <u>Jacketed</u>        | <u>Required</u> |
|--------------|------------------------|------------------------|------------------------|----------------|-----------------------|------------------------|-----------------|
| /?           | rnelson2<br>09/25/2009 | wjackson<br>09/28/2009 |                        | _____          |                       |                        |                 |
| /1           |                        |                        | rschluet<br>09/28/2009 | _____          | mbarman<br>09/28/2009 | sbasford<br>09/28/2009 |                 |

FE Sent For:

↳ Not Needed

<END>

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| /?           | rnelson2<br>09/25/2009 | wjackson<br>09/28/2009 |                        | _____          |                       |                 |                 |
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|----|----------|--------------|---|-------|--|--|--|
| /? | rnelson2 | 1/1 WLj 9/28 |  | _____ |  |  |  |
|----|----------|--------------|---|-------|--|--|--|

FE Sent For:

<END>

**Nelson, Robert P.**

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**From:** Rieselman, Brian  
**Sent:** Friday, September 25, 2009 11:11 AM  
**To:** Knutson, Tryg; Nelson, Robert P.  
**Subject:** RE: Co-sponsorship of LRB 1859/1 - Expanding Receivership Authority for Nuisance Abatement

Good with us – thanks,

Brian  
Rep. Berceau staff

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**From:** Knutson, Tryg  
**Sent:** Friday, September 25, 2009 10:59 AM  
**To:** Nelson, Robert P.  
**Cc:** Rieselman, Brian  
**Subject:** FW: Co-sponsorship of LRB 1859/1 - Expanding Receivership Authority for Nuisance Abatement

Senator Erpenbach would appreciate LRB 1859 being drafted as a Senate Companion.

Thanks much.

Tryg Knutson  
6-6670

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**From:** Rep.Berceau  
**Sent:** Tuesday, September 01, 2009 10:40 AM  
**To:** \*Legislative All Assembly; \*Legislative All Senate  
**Subject:** FW: Co-sponsorship of LRB 1859/1 - Expanding Receivership Authority for Nuisance Abatement

**September 1, 2009**

**To:** All Legislative Colleagues  
**From:** Representative Terese Berceau  
Representative Jeff Mursau  
**Re:** Co-sponsorship of LRB 1859/1 - Expanding Receivership Authority for Nuisance Abatement

**Deadline: September 15, 2009 at 5 PM**

This proposal will modify the procedure for nuisance abatement. Under current law, 1st and 2nd class cities may apply to the circuit court of the county to appoint a receiver to abate blighted property. Blighted property includes such nuisances as houses of prostitution, drug houses, gang houses, and places where gambling is conducted. The receiver may take over the property, collect rents, pay bills and make repairs to abate the nuisance. The receivership process is an intermediate step in the abatement of a nuisance for use in circumstances where municipal fines have not been enough to spur a landlord to correct the problem, but condemnation or the issuance of a raze order is considered too extreme. While it may have made sense at one time to limit receivership authority to 1st and 2nd class cities, the problems that this program was meant to solve have moved beyond just the large cities. LRB 1859/1 will expand the receivership authority to all municipalities.

**If you are interested in co-sponsoring LRB 1859/1, please reply or contact Rep. Berceau's office at 6-3784 by 5 PM on September 15, 2009**

09/25/2009

**Analysis by the Legislative Reference Bureau**

*Under current law, if a residential property located in a first 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 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 and second class cities.*



9/25  
State of Wisconsin  
2009 - 2010 LEGISLATURE

3550/1  
LRB-18594-

RPN:wlj:jf

↑  
Stays

2009 BILL

Regen

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.

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*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.

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*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,~~

**BILL**

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.





**Parisi, Lori**

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**From:** Knutson, Tryg  
**Sent:** Monday, September 28, 2009 1:32 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-3550/1 Topic: Receivership in nuisance actions

Please Jacket LRB 09-3550/1 for the SENATE.