

State of Wisconsin



2013 Assembly Bill 770

Date of enactment: **March 27, 2014**

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2013 WISCONSIN ACT 175

AN ACT *to create* 234.88 of the statutes; **relating to:** emergency heating assistance loan guarantees.

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

SECTION 1. 234.88 of the statutes is created to read:

234.88 Emergency heating assistance loan guarantees. (1) **DEFINITIONS.** In this section:

(a) "Emergency heating assistance loan" means a loan to an individual to finance extraordinary costs related to heating during a state of emergency declared by the governor under s. 323.10.

(b) "Guaranteed loan" means an emergency heating assistance loan on which the authority guarantees collection under sub. (5).

(c) "Participating lender" means a bank, production credit association, credit union, savings bank, savings and loan association, or other person who makes emergency heating assistance loans and who has entered into an agreement with the authority under s. 234.93 (2) (a).

(2) **ELIGIBLE LOANS.** An emergency heating assistance loan made by a participating lender is eligible for guarantee of collection under sub. (5) from the Wisconsin development reserve fund under s. 234.93 if all of the following apply:

(a) The total of the principal amounts of all guaranteed loans extended to the individual under this section will not exceed \$2,500, unless a different maximum amount is approved under sub. (5).

(b) The rate of interest on the emergency heating assistance loan, including any origination fees or other

charges relating to the emergency heating assistance loan, does not exceed a rate determined by the authority after considering the conditions of the financial market.

(c) If the individual obtains the emergency heating assistance loan to pay a supplier, the participating lender pays the supplier directly.

(d) The participating lender follows procedures required by the authority to secure repayment of the emergency heating assistance loan.

(e) The initial term of the emergency heating assistance loan is not longer than 2 years.

(f) In the judgment of the participating lender, the emergency heating assistance loan is necessary for the individual to pay heating costs related to the declared state of emergency.

(g) The proceeds of the emergency heating assistance loan may not be used to refinance a loan made under this section.

(3) **ELIGIBLE INDIVIDUALS.** An individual is eligible for a guaranteed loan if all of the following apply:

(a) The individual's household annual income does not exceed 200 percent of the median family income for the county in which the individual resides.

(b) In the judgment of the participating lender, all of the following are true:

1. It is reasonably likely that the individual will be able to repay the emergency heating assistance loan in full with interest.

* Section 991.11, WISCONSIN STATUTES: 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."

2. The individual is not eligible for conventional financing on reasonably equivalent terms and conditions.

3. Under normal market conditions affecting the cost of heating, the individual's income and assets would be sufficient for the individual to pay his or her heating costs.

(c) The individual's name does not appear on the statewide support lien docket under s. 49.854 (2) (b). The condition under this paragraph is met for an individual whose name does appear if the individual provides to the authority a payment agreement that has been approved by the county child support agency under s. 59.53 (5) and that is consistent with rules promulgated under s. 49.858 (2) (a).

(4) EXTENSION. A participating lender may extend the term of an emergency heating assistance loan until no later than 3 years after the lender made the loan.

(5) GUARANTEE OF COLLECTION. (a) Subject to par. (c), if the governor issues an executive order under s. 323.10 declaring a state of emergency related to heating costs or the availability of heating fuels and the joint committee on finance approves the authority's plan under par. (b), the authority shall guarantee collection of not less than 50 percent or more than 80 percent of the principal of any emergency heating assistance loan eligible for guarantee under sub. (2) made to an individual eligible for a guaranteed loan under sub. (3).

(b) If the governor declares a state of emergency related to heating costs or the availability of heating fuels, no later than 14 days after the governor's declaration the authority shall submit the authority's plan for guaranteeing collection of emergency heating loans under this section related to the declared state of emergency to the joint committee on finance for approval. The authority may include in its plan a request to modify the maximum total principal amount under sub. (2) (a).

(c) The authority may guarantee emergency heating assistance loans under par. (a) only for 120 days following the joint committee on finance's approval of the plan submitted under par. (b) unless the authority requests the

joint committee on finance to permit the authority to guarantee emergency heating assistance loans for an additional 120 days.

(6) INTEREST REDUCTION. The authority shall pay, from the moneys in the Wisconsin development reserve fund under s. 234.93, to each participating lender an amount equal to 3.5 percent of the principal amount of any guaranteed loan to reduce interest payments on the guaranteed loan paid by an individual.

SECTION 2. Nonstatutory provisions.

(1) TRANSFER TO WISCONSIN DEVELOPMENT RESERVE FUND.

(a) The Wisconsin Housing and Economic Development Authority shall immediately transfer \$2,000,000 from the housing rehabilitation loan program administration fund established under section 234.51 of the statutes to the Wisconsin development reserve fund under section 234.93 of the statutes.

(b) For 120 days following the effective date of this paragraph, the Wisconsin Housing and Economic Development Authority shall allocate at least \$2,000,000 of the Wisconsin development reserve fund to the emergency heating assistance program under section 234.88 of the statutes, as created by this act.

(2) DECLARATION OF PROPANE SHORTAGE. Notwithstanding section 234.88 (5) (a) of the statutes, as created by this act, the Wisconsin Housing and Economic Development Authority shall guarantee collection of not less than 50 percent or more than 80 percent of the principal of any emergency heating assistance loan eligible for guarantee under section 234.88 (2) of the statutes, as created by this act, made to an individual eligible for a guaranteed loan under section 234.88 (3) of the statutes, as created by this act, related to the state of emergency declared by the governor on January 25, 2014, in Executive Order No. 130, for a period of 120 days beginning on the effective date of this subsection without the joint committee on finance approving a plan under section 234.88 (5) (b) of the statutes, as created by this act.