

1 **AN ACT** *to amend* 799.40 (4); and *to create* 166.03 (1) (b) 9. and 799.40 (4) (b) of the
 2 statutes; **relating to:** a moratorium on rental evictions during a state of emergency
 3 related to public health.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council’s Special Committee on Disaster Preparedness Planning. The governor can declare a state of emergency related to public health under s. 166.03 (1) (b) 1., stats. Under current law, the governor does not have authority to declare a moratorium on rental evictions for residential property during a state of emergency. This bill draft gives the governor authority to declare a moratorium on rental evictions for residential property during a state of emergency related to public health.

COMMENT: Section 704.17 (1) (c), (2) (c), and (3) (b), stats., allows a property owner to evict a tenant if a nuisance exists in the tenant’s rental unit, after notification by a law enforcement agency that the property is being used as a drug house or criminal gang house under s. 823.113, stats. This bill draft authorizes the governor to declare a moratorium on all eviction actions, including those for nuisances. The committee might consider whether it wants to exclude this type of nuisance eviction action brought those provisions from the moratorium.

4 **SECTION 1.** 166.03 (1) (b) 9. of the statutes is created to read:
 5 166.03 (1) (b) 9. During a state of emergency related to public health under subd. 1.,
 6 declare a moratorium on eviction actions under s. 799.40 for residential property.

7 **SECTION 2.** 799.40 (4) of the statutes is amended to read:
 8 799.40 (4) **STAY OF PROCEEDING.** The court shall stay the proceedings in a civil action
 9 of eviction if the any of the following occurs:

10 (a) The tenant applies for emergency assistance under s. 49.138. The tenant shall inform
 11 the court of the outcome of the determination of eligibility for emergency assistance. The stay

1 remains in effect until the tenant's eligibility for emergency assistance is determined and, if
2 the tenant is determined to be eligible, until the tenant receives the emergency assistance.

3 **SECTION 3.** 799.40 (4) (b) of the statutes is created to read:

4 799.40 (4) (b) The governor declares a moratorium on eviction actions for residential
5 property during a state of emergency related to public health.

6 (END)