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01/29/2007

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] but excludes evictions under s. 704.17 (1) (c), (2) (c), and (3) (b), stats., from a moratorium. Section 704.17 (1) (c), (2) (c), and (3) (b) allow 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.

COMMENT: The committee discussed whether to authorize the governor to declare a moratorium on rental evictions during a state of emergency or during a state of emergency related to public health. This bill draft provides a choice between the 2 options. The governor can only declare a state of emergency related to public health if he or she determines that a public health emergency exists. [s. 166.03 (1) (b) 1., stats.] A "public health emergency" is defined in s. 166.02 (7), stats., as:

"[T]he occurrence or imminent threat of an illness or health condition that meets all of the following criteria:

(a) Is believed to be caused by bioterrorism or a novel or previously controlled or eradicated biological agent.

(b) Poses a high probability of any of the following:

1. A large number of deaths or serious or long-term disabilities among humans.

2. A high probability of widespread exposure to a biological, chemical, or radiological agent that creates a significant risk of substantial future harm to a large number of people.”.

The committee might consider whether to authorize a moratorium during a state of emergency or just during a state of emergency related to public health.

SECTION 1. 166.03 (1) (b) 9. of the statutes is created to read:

166.03 (1) (b) 9. During a state of emergency [related to public health] under subd. 1., declare a moratorium on eviction actions under s. 799.40 for residential property but excluding eviction actions under s. 704.17 (1) (c), (2) (c), and (3) (b).

SECTION 2. 799.40 (4) of the statutes is amended to read:

799.40 (4) STAY OF PROCEEDING. The court shall stay the proceedings in a civil action of eviction if the any of the following occurs:

(a) The tenant applies for emergency assistance under s. 49.138. The tenant shall inform the court of the outcome of the determination of eligibility for emergency assistance. The stay remains in effect until the tenant's eligibility for emergency assistance is determined and, if the tenant is determined to be eligible, until the tenant receives the emergency assistance.

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

799.40 (4) (b) The governor declares a moratorium on eviction actions for residential property during a state of emergency [related to public health] under s. 166.03 (1) (b) 9.

(END)