



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-3901/1  
KRP:amn

## 2023 ASSEMBLY BILL 705

November 27, 2023 - Introduced by Representatives CLANCY, HONG, MADISON, PALMERI, C. ANDERSON, J. ANDERSON, BALDEH, CABRERA, CONLEY, CONSIDINE, DRAKE, EMERSON, JACOBSON, JOERS, MOORE OMOKUNDE, SHELTON, SINICKI, SNODGRASS, STUBBS, SUBECK and HAYWOOD, cosponsored by Senators LARSON, L. JOHNSON and ROYS. Referred to Committee on Judiciary.

\*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

1 **AN ACT to amend** 799.40 (4) (a) of the statutes; **relating to:** the mandatory stay  
2 of eviction proceedings against a tenant who has applied for emergency  
3 assistance.

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### *Analysis by the Legislative Reference Bureau*

Under current law, if a tenant facing eviction applies for emergency assistance under the Wisconsin Works (W-2) program, the court must stay the eviction proceedings 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. However, current law provides that the stay may not remain in effect for more than 10 working days and that no stay may be granted after a writ of restitution of the premises has been issued. Currently, the Department of Children and Families administers the W-2 program, which provides, among other things, emergency financial assistance to qualifying families who are homeless or who are facing impending homelessness.

This bill eliminates the current law restrictions on the mandatory emergency stay in eviction proceedings. In other words, under the bill, a tenant who applies for W-2 emergency assistance is entitled to have eviction proceedings stayed even if a writ of restitution has been issued, and the stay must remain in effect until the

