

# State of Wisconsin



1995 Assembly Bill 517

Date of enactment: April 4, 1996  
Date of publication\*: April 17, 1996

## 1995 WISCONSIN ACT 198

AN ACT to amend 49.19 (5) (cm) 1., 49.19 (5) (cm) 2., 49.19 (5) (cm) 3. c., 49.19 (5) (cm) 3. d., 49.19 (5) (cm) 4., 49.19 (5) (cm) 5., 49.19 (5) (cm) 6. (intro.), 49.19 (5) (cm) 6. a. and 49.50 (8) (b) 2. (intro.) of the statutes; relating to: the form of certain payments under the aid to families with dependent children program.

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

**SECTION 1.** 49.19 (5) (cm) 1. of the statutes is amended to read:

49.19 (5) (cm) 1. In this paragraph, "2-party direct payment" means a check which is drawn in favor of the landlord of a recipient of aid under this section and the recipient's landlord, jointly.

**SECTION 2.** 49.19 (5) (cm) 2. of the statutes is amended to read:

49.19 (5) (cm) 2. A 2-party direct payment shall be made whenever a recipient of aid under this section has failed to pay rent to the landlord for 2 months or more, unless the failure to pay rent is authorized by law.

**SECTION 3.** 49.19 (5) (cm) 3. c. of the statutes is amended to read:

49.19 (5) (cm) 3. c. If it determines that the conditions for issuing a 2-party direct payment under subd. 2. are met, inform the recipient of the right to a fair hearing on the issue of whether 2-party direct payment of rent should be made and inform the department of health and social services of its determination.

**SECTION 4.** 49.19 (5) (cm) 3. d. of the statutes is amended to read:

49.19 (5) (cm) 3. d. If it determines that 2-party direct payments should not be made, inform the recipient and the landlord of that determination.

**SECTION 5.** 49.19 (5) (cm) 4. of the statutes is amended to read:

49.19 (5) (cm) 4. When it has been determined that a 2-party direct payment of rent should be made, the department of health and social services shall issue the recipient's monthly grant in 2 checks, a 2-party direct payment for the amount of the rent and a check drawn in favor of the recipient for the balance of the grant amount.

**SECTION 6.** 49.19 (5) (cm) 5. of the statutes is amended to read:

49.19 (5) (cm) 5. The county department shall review each case in which a 2-party direct payment is being made at least once every 12 months and whenever a recipient reports that a condition under subd. 6. for the cessation of 2-party direct payments exists.

**SECTION 7.** 49.19 (5) (cm) 6. (intro.) of the statutes is amended to read:

49.19 (5) (cm) 6. (intro.) The county department shall inform the department of health and social services, and the department of health and social services shall cease making a 2-party direct payment, when the county

\* Section 991.11, WISCONSIN STATUTES 1993-94: 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 as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

department determines that any of the following conditions exists:

**SECTION 8.** 49.19 (5) (cm) 6. a. of the statutes is amended to read:

49.19 (5) (cm) 6. a. A ~~2-party~~ direct payment has been made for 24 consecutive months.

**SECTION 9.** 49.50 (8) (b) 2. (intro.) of the statutes is amended to read:

49.50 (8) (b) 2. (intro.) If a recipient requests a hearing within the timely notice period specified in 45 CFR 205.10, aid shall not be suspended, reduced or discontin-

ued until a decision is rendered after the hearing but may be recovered by the department if the contested decision or failure to act is upheld. The department shall promptly notify the county department of the county in which the recipient resides that the recipient has requested a hearing. Until a decision is rendered after the hearing, the manner or form of aid payment to the recipient shall not change to a protective, ~~vendor or 2-party~~ or direct payment. Aid shall be suspended, reduced or discontinued if:

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