



TO: **W-2 Agencies
Training Staff**

FROM: Patara Horn, Director
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Division of Family and Economic Security
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BWF OPERATIONS MEMO

No: 22-13

DATE: 07/07/2022

W-2 ☒ EA ☒ CF ☐ JAL ☒

RAP ☐ TMJ ☐ TJ ☐ Other EP ☐

SUBJECT: *Updates to Chapters DCF 101 and 120: Asset Restrictions on Eligibility for Wisconsin Works and Emergency Assistance*

CROSS REFERENCE: [Wis. Stat. s. 49.145 \(3\) \(a\)](#)
[2017 Wisconsin Act 269](#)
[Wis. Admin. Code s. DCF 101.09\(3\)\(a\)](#)
[Wis. Admin. Code s. DCF 101.11 \(1\)](#)
[Wis. Admin. Code s. DCF 101.13](#)
[Wis. Admin. Code s. DCF 101.16 \(4\)](#)
[Wis. Admin. Code s. DCF 101.17\(1\)](#)
[Wis. Admin. Code s. DCF 101.18\(2\)\(a\)](#)
[Wis. Admin. Code s. DCF 120.06\(2\)](#)
[W-2 Policy Manual Section 3.3.4.1](#)

EFFECTIVE DATE: August 1, 2022

PURPOSE

The purpose of this memo is to announce administrative rule changes to [Wis. Admin. Code s. DCF 101.09\(3\)\(a\)](#) which establishes a home value asset limit and creates hardship exemptions for the home value asset limit impacting program eligibility for Wisconsin Works (W-2), Job Access Loan (JAL), and Emergency Assistance (EA), per [Wis. Admin. Code s. DCF 120.06\(2\)](#).

BACKGROUND

Per [Wis. Stat. s. 49.145 \(3\) \(a\)](#), as amended by [2017 Wisconsin Act 269](#), the value of a home serving as the W-2 group's homestead may only be excluded as an asset if the home is valued at no more than 200% of the statewide median value for homes, excluding the value of agricultural land owned by the W-2 group.

The Bureau of Working Families (BWF) promulgated administrative rule, as established under [Wis. Stat. s. 49.145 \(3\) \(c\)](#), to allow the exclusion of a homestead valued at any amount for qualifying applicants.

POLICY

CURRENT POLICY

Currently, [Wis. Admin. Code s. DCF 101.09\(3\)\(a\)](#) requires the home serving as the homestead for the W-2 group be excluded from the asset test which applies to W-2, JAL, and EA program eligibility.

NEW POLICY

Effective August 1, 2022, Wis. Admin. Code s. DCF 101.09(3)(a) has been amended to require that Financial and Employment Planners shall count any home valued over 200% of the statewide median home value against the asset test only when none of the following hardship criteria are met:

- No member of the W-2 group has the legal right to sell the home, including for reasons such as the home is subject to pending litigation and the home is jointly owned with a person who is not in the W-2 group and who refuses to consent to the individual in the W-2 group selling his or her share;
- The individual had a recent sudden loss of income due to death, divorce, separation, or non-payment of child support;
- The W-2 group includes an incapacitated group member; or
- The individual is or has been a victim of domestic abuse or is at risk of further domestic abuse, the home is jointly owned with the abuser, and the abuser is not a member of the W-2 group.

[See the attached updated W-2 Manual Section 3.3.4.1.](#)

There are no changes to the EA Manual because the EA policy for counting homestead assets refers to W-2 Manual section listed above.

The full rule text can be found on the [Wisconsin Legislature website](#). Text that was removed is struck through, and text that was added is underlined.

CARES WORKER WEB (CWW)

There are no automation implications with this change. The worker conducting the asset test will calculate home value to determine if it can be excluded under the new rule.

TRAINING

The Partner Training Team will update any relevant trainings based on this memo.

AGENCY ACTION

W-2 agencies must familiarize staff with this updated policy as described in this memo and update any relevant local agency procedures.

CONTACTS

For W-2 Policy Questions: [BWF Policy Question SharePoint](#)

For W-2, CARES and WWP Functionality Questions: BWF Work Programs Help Desk
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DCF/DFES/BWF/AE