

Report From Agency
STATE OF WISCONSIN
Department of Veterans Affairs

Report from Agency
RULEMAKING REPORT TO LEGISLATURE
Clearinghouse Rule 23-056

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA are attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

- Chapter VA 13 establishes rules for the administration of the veterans housing and recovery program (VHRP) for the provision of temporary housing assistance for eligible veterans, pursuant to s. 45.43, Stats. The VHRP provides temporary housing, training, and supportive services to veterans who are homeless or at risk of becoming homeless to help them obtain permanent housing. To more accurately describe the purpose of this chapter, the proposed rule amends the chapter title from *Veterans Assistance Program* to *Veterans Housing and Recovery Program*.
- The VHRP is primarily funded by the federal USDVA Grant and Per Diem (GPD) program. The GPD program is the USDVA's largest transitional housing program for veterans experiencing homelessness and is permanently authorized under Public Law 109-461 and governed under 38 C.F.R. part 61. Since 1994, the GPD program has awarded funding to organizations to provide transitional housing with wraparound supportive services to assist vulnerable veterans in moving into permanent housing. The U.S. Department of Housing and Urban Development (HUD) annually estimates Fair Market Rents, as defined in 24 CFR 888.113. The VHRP program uses HUD Fair Market rent values that are regulated and funded by the GPD program. Since guidance and regulations for this program change frequently, the rules under ch. VA 13 must reflect the most current USDVA regulations and directives. Therefore, the proposed rule repeals monetary references relating to rent and amends provisions to reflect that the program is regulated and funded by the GPD program and uses the HUD Fair Market rent values.
- The assisted living program, referenced in the current rule, formerly provided state funds to enable indigent veterans to remain in the assisted living center operated at Union Grove. The assisted living program was eliminated in 2019. Therefore,

the proposed rule repeals references to single-room occupancy and assisted living facilities.

- The proposed rule updates provisions relating to program assistance, eligibility, participation requirements, and discharge conditions.
- This rule also makes general updates, revises outdated provisions, and amends certain provisions for clarity and conformity with current drafting standards for style and format.

V. SUMMARY OF PUBLIC COMMENTS AND THE DEPARTMENT'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

A public hearing was held on November 3, 2023. Two members of the public attended the hearing, with one organization providing comments as follows:

- Jordan Tilleson, Department of Wisconsin VFW – *In support of the rule change to VA 13.*

Pursuant to ss. 45.03 (2m) and 227.14 (2) (a) 6m., Stats., administrative rules prepared by the Department of Veterans Affairs must be provided to the Board of Veterans Affairs. The Board may prepare a report containing written comments and its opinion regarding the proposed rules. The Board of Veterans Affairs was provided a copy of the proposed rules for action at their meeting held on October 12, 2023. A copy of the letter indicating support for the proposed rule is attached.

Following the public hearing, the department modified the proposed rule based on additional information from the federal VA, clarifying that GPD does not provide funding if an applicant is unwilling to participate in case management or has sufficient funds to be self-supportive. Therefore, these conditions were added under s. VA 13.02 (3) (b), relating to the provision of assistance. The department believes additional clarification was required to explicitly list each requirement for assistance, which mirrors the list of reasons for discharge from the program under s. VA 13.04 (2m). Accordingly, a definition for “case management” was created under s. VA 13.01 (1m).

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All recommendations in the Clearinghouse Report were accepted and incorporated into the proposed rule.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

N/A