



State of Wisconsin
2021 - 2022 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 604**

October 15, 2021 - Offered by Representative DALLMAN.

1 **AN ACT** *to create* 16.3087, 16.311 and 943.135 of the statutes; **relating to:** pay
2 for performance grant requirements, housing navigator grants, use of public
3 lands to provide temporary residence for the homeless, and providing a penalty.

Analysis by the Legislative Reference Bureau

PAY FOR PERFORMANCE GRANT REQUIREMENTS

Under current law, the Department of Administration administers a number of grant programs having the purpose of alleviating homelessness. This bill establishes “pay for performance” requirements for certain grants issued under those programs, which the bill terms “eligible grants.” For each eligible grant, DOA must withhold between 10 and 50 percent of the amount of the eligible grant for at least six months after the award. DOA may then pay the amount withheld to the grant recipient only if the grant recipient demonstrates that it has met one or more of the following performance objectives:

1. Increase the number of homeless individuals and families securing permanent housing.
2. Increase the number of homeless individuals securing part-time or full-time employment.
3. Reduce the number of homeless individuals and families returning to homelessness after participation in programs offered by the grant recipient.

STRUCTURED CAMPING FACILITIES

This bill authorizes DOA and, under the circumstances described below, cities, villages, towns, and counties (political subdivisions) to designate public property, other than county fairgrounds, for use as a “structured camping facility” at which DOA may assign a homeless individual or family a specific location for the purpose of allowing the individual or family to set up temporary residence at the facility. DOA may allow homeless individuals and families assigned to a structured camping facility to bring camping equipment and other personal items onto the facility. Additionally, DOA must provide for public safety at structured camping facilities and must ensure that potable water and adequate sanitary facilities are available at each facility.

Also, under the bill, if a resident of a political subdivision petitions the political subdivision to designate public property of the political subdivision as a structured camping facility, the political subdivision may make a designation and must provide DOA notice of the designation. If the political subdivision fails to make a designation within 12 months after the resident’s petition, DOA may designate public property of the political subdivision as a structured camping facility without the political subdivision’s approval. Otherwise, the bill provides that DOA may designate the public property of a political subdivision as a structured camping facility only with the approval of the political subdivision.

The bill also prohibits the setting up of a temporary residence on public property that is not designated for recreational camping or as a structured camping facility under the bill. A person who violates the prohibition is guilty of a Class C misdemeanor and may be subject to a fine of not more than \$500, imprisonment for not more than 30 days, or both.

Finally, under the bill, DOA must condition a homeless individual’s or family’s temporary residence at a structured camping facility on the completion of mental health or substance use evaluations, and DOA may expel individuals who fail to comply with department instructions.

HOUSING NAVIGATOR GRANTS

This bill requires DOA to provide grants to continuum of care organizations for hiring housing navigators to engage in activities that include the following:

1. Acting as a liaison with landlords, rental property managers, and homeless assistance programs.
2. Recruiting new landlords.
3. Identifying affordable housing for program participants.
4. Mediating landlord-tenant issues.

Of the funds accepted by the governor under the federal American Rescue Plan Act of 2021, the bill requires the governor to allocate \$300,000 in each fiscal year of the 2021-23 fiscal biennium for the housing navigator grants.

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

1 **SECTION 1.** 16.3087 of the statutes is created to read:

2 **16.3087 Pay for performance grant requirements. (1) DEFINITIONS.** In
3 this section:

4 (a) “Eligible grant” means a grant awarded under s. 16.306 (2), 16.307, 16.308
5 (2) (a), or 16.3085 (2).

6 (b) “Grant recipient” means all of the following:

7 1. An organization specified in s. 16.306 (1) (d) or (e) that receives a grant under
8 s. 16.306 (2).

9 2. An organization that receives a grant under s. 16.307.

10 3. An organization specified in s. 16.308 (1) (b) 4. or 7. that receives a grant
11 under s. 16.308 (2) (a).

12 4. A shelter facility that receives a grant under 16.3085 (2).

13 **(2) PERFORMANCE PAYMENTS.** (a) For each eligible grant the department awards
14 to a grant recipient, the department shall withhold between 10 and 50 percent of the
15 amount of the eligible grant for at least 6 months after the award, subject to par. (b).

16 (b) The department may pay the amount of an eligible grant withheld under
17 par. (a) only if the grant recipient demonstrates that it has met one or more of the
18 following performance objectives, as determined by the department:

19 1. Increase the number of homeless individuals and families securing
20 permanent housing.

21 2. Increase the number of homeless individuals securing part-time or full-time
22 employment.

23 3. Reduce the number of homeless individuals and families returning to
24 homelessness after participation in programs offered by the grant recipient.

1 (c) For purposes of par. (b) and to the extent permitted under federal law, the
2 department shall give priority to grant recipients awarded grants under ss. 16.306
3 (2) and 16.3085 (2) who have made demonstrable commitments to improving
4 outcomes in connection with the performance objectives specified in par. (b).

5 **SECTION 2.** 16.311 of the statutes is created to read:

6 **16.311 Structured camping facilities. (1) DEFINITIONS.** In this section:

7 (a) “Political subdivision” means a city, village, town, or county.

8 (b) “Public property” means any real property, other than county fairgrounds,
9 that is owned, leased, or occupied by a state agency or a political subdivision.

10 (c) “State agency” means an association, authority, board, department,
11 commission, independent agency, institution, office, society, or other body in state
12 government created or authorized to be created by the constitution or any law, except
13 the legislature and the courts.

14 (d) “Structured camping facility” means public property that the department
15 under sub. (2) (a) or a political subdivision under sub. (2) (c) 1. designates for use
16 under this section.

17 **(2) DESIGNATION OF STRUCTURED CAMPING FACILITIES.** (a) Subject to par. (b), the
18 department may designate any public property for use as a structured camping
19 facility.

20 (b) Except as provided in par. (c), the department may not designate the public
21 property of a political subdivision for use as a structured camping facility without the
22 approval of the political subdivision.

23 (c) 1. If a resident of a political subdivision petitions the political subdivision
24 to designate public property of the political subdivision as a structured camping

1 facility, the political subdivision may make that designation and shall provide the
2 department with notice of the designation.

3 2. If a political subdivision fails to designate public property of the political
4 subdivision as a structured camping facility within 12 months after a petition is filed
5 with the political subdivision under subd. 1., the department may designate public
6 property of the political subdivision as a structured camping facility in response to
7 the petition without the approval of the political subdivision.

8 **(3) USE OF STRUCTURED CAMPING FACILITIES.** (a) The department may assign to
9 a homeless individual or family a specific location at a structured camping facility
10 for the purpose of allowing the individual or family to set up temporary residence at
11 the facility. The department may allow homeless individuals and families assigned
12 to a structured camping facility to bring camping equipment and other personal
13 items onto the facility.

14 (b) The department shall condition temporary residence at a structured
15 camping facility under par. (a) on the completion of mental health or substance use
16 evaluations, as prescribed by the department, and may expel individuals who fail to
17 comply with department instructions.

18 (c) The department shall provide for public safety at each structured camping
19 facility and shall ensure that potable water and adequate sanitary facilities are
20 available at each structured camping facility.

21 **SECTION 3.** 943.135 of the statutes is created to read:

22 **943.135 Unauthorized camping on public property; trespass.** (1) In this
23 section, “public property” has the meaning given in s. 16.311 (1) (b).

24 (2) No person may set up a temporary habitation on a public property that is
25 not designated as a recreational camping area or as a structured camping facility

1 under s. 16.311 unless the temporary habitation is consistent with the normal,
2 customary, or temporarily designated usage of the public property. A person who
3 violates this subsection is guilty of a Class C misdemeanor.

4 (3) A person who has set up a temporary habitation on a public property that
5 is designated as a structured camping facility under s. 16.311 violates sub. (2) if the
6 person does not comply with instructions or conditions provided by the department
7 of administration.

8 **SECTION 4. Nonstatutory provisions.**

9 (1) GRANTS FOR HOUSING NAVIGATORS.

10 (a) From the moneys allocated under par. (b), the department of administration
11 shall make equal grants to each continuum of care organization in this state
12 designated by the federal department of housing and urban development. All grant
13 funds shall be used to hire housing navigators to engage in activities that include:
14 acting as a liaison with landlords, rental property managers, and homeless
15 assistance programs; recruiting new landlords; identifying affordable housing for
16 program participants; and mediating landlord-tenant issues. The department of
17 administration shall ensure that the grant funds are expended to fill housing
18 navigator positions that are reasonably balanced among the geographic areas served
19 by each continuum of care organization.

20 (b) Of the moneys the governor accepts from the federal government under s.
21 16.54 pursuant to section 602 of the federal Social Security Act as amended by the
22 federal American Rescue Plan Act of 2021, P.L. 117-2, the governor shall allocate
23 \$300,000 in each fiscal year of the 2021-23 fiscal biennium for the grants under par.

24 (a).

25 (END)