



State of Wisconsin
2021 - 2022 LEGISLATURE

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2021 ASSEMBLY BILL 604

October 8, 2021 - Introduced by Representatives DALLMAN, DUCHOW and PLUMER, cosponsored by Senators BERNIER and ROTH. Referred to Committee on Housing and Real Estate.

1 **AN ACT to amend** 20.505 (7) (b), 20.505 (7) (fm), 20.505 (7) (ft), 20.505 (7) (h) and
2 20.505 (7) (kg); and **to create** 16.3087, 16.311 and 943.135 of the statutes;
3 **relating to:** pay for performance grant requirements, housing navigator
4 grants, use of public lands to provide temporary residence for the homeless,
5 making an appropriation, 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.

ASSEMBLY BILL 604**STRUCTURED CAMPING FACILITIES**

This bill authorizes DOA to designate any public property 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.

The bill 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 may 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.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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:

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1 (a) "Eligible grant" means a grant awarded under s. 16.306 (2), 16.307, 16.308
2 (2) (a), or 16.3085 (2).

3 (b) "Grant recipient" means all of the following:

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

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

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

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

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

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

16 1. Increase the number of homeless individuals and families securing
17 permanent housing.

18 2. Increase the number of homeless individuals securing part-time or full-time
19 employment.

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

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

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

2 **16.311 Structured camping facilities. (1) DEFINITIONS.** In this section:

3 (a) “Public property” means any real property that is owned, leased, or occupied
4 by a state agency or a city, village, town, or county.

5 (b) “State agency” means an association, authority, board, department,
6 commission, independent agency, institution, office, society, or other body in state
7 government created or authorized to be created by the constitution or any law, except
8 the legislature and the courts.

9 (c) “Structured camping facility” means public property that the department
10 designates under sub. (2) for use under this section.

11 **(2) DESIGNATION OF STRUCTURED CAMPING FACILITIES.** The department may
12 designate any public property for use as a structured camping facility. If the
13 department makes a designation under this subsection, the department shall
14 provide for public safety at the structured camping facility and ensure that potable
15 water and adequate sanitary facilities are available at the facility.

16 **(3) USE OF STRUCTURED CAMPING FACILITIES.** (a) The department may assign to
17 a homeless individual or family a specific location at a structured camping facility
18 for the purpose of allowing the individual or family to set up temporary residence at
19 the facility. The department may allow homeless individuals and families assigned
20 to a structured camping facility to bring camping equipment and other personal
21 items onto the facility.

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

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1 **SECTION 3.** 20.505 (7) (b) of the statutes is amended to read:

2 20.505 (7) (b) *Housing grants and loans; general purpose revenue.* Biennially,
3 the amounts in the schedule for grants and loans under s. 16.303 and, for grants
4 under s. 16.305, and to provide for public safety and adequate facilities at structured
5 camping facilities under s. 16.311 (2).

6 **SECTION 4.** 20.505 (7) (fm) of the statutes is amended to read:

7 20.505 (7) (fm) *Shelter for homeless and housing grants.* Biennially, the
8 amounts in the schedule for housing grants under s. 16.306 and, for grants to
9 agencies and shelter facilities for homeless individuals and families as provided
10 under s. 16.308, and to provide for public safety and adequate facilities at structured
11 camping facilities under s. 16.311 (2). Notwithstanding ss. 20.001 (3) (a) and 20.002
12 (1), the department may transfer funds between fiscal years under this paragraph.

13 **SECTION 5.** 20.505 (7) (ft) of the statutes is amended to read:

14 20.505 (7) (ft) *Employment grants.* The amounts in the schedule for grants to
15 municipalities under s. 16.313 and to provide for public safety and adequate facilities
16 at structured camping facilities under s. 16.311 (2).

17 **SECTION 6.** 20.505 (7) (h) of the statutes is amended to read:

18 20.505 (7) (h) *Funding for the homeless.* All moneys received from interest on
19 real estate trust accounts under s. 452.13 for grants under s. 16.307, and all moneys
20 received under ss. 704.05 (5) (a) 2. and 704.055 (2) (b), for grants to agencies and
21 shelter facilities for homeless individuals and families under s. 16.308 (2) (a) and (b)
22 and to provide for public safety and adequate facilities at structured camping
23 facilities under s. 16.311 (2).

24 **SECTION 7.** 20.505 (7) (kg) of the statutes is amended to read:

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1 20.505 (7) (kg) *Housing program services*. All moneys received from other state
2 agencies for housing program services, including all moneys required under s. 49.175
3 (1) (f) to be credited to this appropriation account, for the purpose of providing
4 housing program services and for public safety and adequate facilities at structured
5 camping facilities under s. 16.311 (2). Notwithstanding s. 20.001 (3) (c), at the end
6 of each fiscal year, any unencumbered balance in this appropriation account
7 attributable to the moneys credited under s. 49.175 (1) (f) shall revert to one or more
8 of the appropriation accounts specified in s. 49.175 (1) (intro.), as determined by the
9 secretary of administration.

10 **SECTION 8.** 943.135 of the statutes is created to read:

11 **943.135 Unauthorized camping on public property; trespass. (1)** In this
12 section, “public property” has the meaning given in s. 16.311 (1) (a).

13 **(2)** No person may set up a temporary habitation on a public property that is
14 not designated as a recreational camping area or as a structured camping facility
15 under s. 16.311 unless the temporary habitation is consistent with the normal,
16 customary, or temporarily designated usage of the public property. A person who
17 violates this subsection is guilty of a Class C misdemeanor.

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

22 **SECTION 9. Nonstatutory provisions.**

23 (1) GRANTS FOR HOUSING NAVIGATORS.

24 (a) From the moneys allocated under par. (b), the department of administration
25 shall make equal grants to each continuum of care organization in this state

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1 designated by the federal department of housing and urban development. All grant
2 funds shall be used to hire housing navigators to engage in activities that include:
3 acting as a liaison with landlords, rental property managers, and homeless
4 assistance programs; recruiting new landlords; identifying affordable housing for
5 program participants; and mediating landlord-tenant issues. The department of
6 administration shall ensure that the grant funds are expended to fill housing
7 navigator positions that are reasonably balanced among the geographic areas served
8 by each continuum of care organization.

9 (b) Of the moneys the governor accepts from the federal government under s.
10 16.54 pursuant to section 602 of the federal Social Security Act as amended by the
11 federal American Rescue Plan Act of 2021, P.L. 117-2, the governor shall allocate
12 \$300,000 in each fiscal year of the 2021-23 fiscal biennium for the grants under par.
13 (a).

14

(END)