



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-4869/1  
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## 2023 ASSEMBLY BILL 689

November 27, 2023 - Introduced by Representatives DALLMAN, KURTZ, BEHNKE, BRANDTJEN, MURPHY, O'CONNOR, PENTERMAN, STEFFEN and WICHGERS, cosponsored by Senators TOMCZYK and CABRAL-GUEVARA. Referred to Committee on Housing and Real Estate.

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

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### *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 to grant recipients. For each eligible grant to a grant recipient, 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 recipient demonstrates that it has met one or more of the following performance objectives compared to a base year, as determined by DOA:

1. Increased the number of homeless individuals and families securing permanent housing after participation in programs offered by the grant recipient.
2. Increased the number of homeless individuals securing part-time or full-time employment after participation in programs offered by the grant recipient.
3. Reduced 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,

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other than county fairgrounds and public parks, 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, but only if the political subdivision had a homeless population above the per capita statewide average for political subdivisions in any of the immediately preceding two statewide counts of homeless population in the state, as determined by DOA. 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, unless the person has no other reasonable options for obtaining shelter or the person has been or would be denied admission to a homeless shelter because the shelter is at capacity.

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 DOA instructions.

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

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***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) “Base year” means the calendar year occurring within the 5 years  
2 immediately preceding the year in which a grant recipient receives an eligible grant  
3 subject to this section during which the grant recipient’s program for which the grant  
4 recipient receives that eligible grant demonstrated the most successful outcomes, as  
5 determined by the department.

6 (b) “Eligible grant” means a grant awarded under s. 16.306 (2), 16.307, 16.308  
7 (2) (a), or 16.3085 (2), unless it is the first such grant awarded to the grant recipient.

8 (c) “Grant recipient” means any of the following:

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

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

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

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

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

18 (b) After expiration of the 6-month period specified in par. (a), the department  
19 may pay the amount of an eligible grant withheld under that paragraph only if the  
20 grant recipient demonstrates that it has met one or more of the following  
21 performance objectives, as determined by the department:

22 1. Increased the number of homeless individuals and families securing  
23 permanent housing after participation in programs offered by the grant recipient  
24 compared to the base year.

**ASSEMBLY BILL 689****SECTION 1**

1           2. Increased the number of homeless individuals securing part-time or  
2 full-time employment after participation in programs offered by the grant recipient  
3 compared to the base year.

4           3. Reduced the number of homeless individuals and families returning to  
5 homelessness after participation in programs offered by the grant recipient  
6 compared to the base year.

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

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

12           **16.311 Structured camping facilities. (1) DEFINITIONS.** In this section:

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

14           (b) “Public property” means any real property, other than county fairgrounds  
15 and public parks, that is owned, leased, or occupied by a state agency or a political  
16 subdivision.

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

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

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

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

7           (c) 1. If a resident of a political subdivision petitions the political subdivision  
8 to designate public property of the political subdivision as a structured camping  
9 facility, the political subdivision may designate any public property of the political  
10 subdivision as a structured camping facility and shall provide the department with  
11 notice of the designation.

12           2. If a political subdivision fails to designate any public property of the political  
13 subdivision as a structured camping facility within 12 months after a petition is filed  
14 with the political subdivision under subd. 1., the department may designate any  
15 public property of the political subdivision as a structured camping facility in  
16 response to the petition without the approval of the political subdivision, but only if  
17 the political subdivision had a homeless population above the per capita statewide  
18 average for political subdivisions in any of the immediately preceding 2 statewide  
19 counts of homeless population in the state, as determined by the department.

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

**ASSEMBLY BILL 689****SECTION 2**

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

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

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

9 **943.135 Unauthorized camping on public property; trespass. (1)** In this  
10 section, “public property” has the meaning given in s. 16.311 (1) (b).

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

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

20 **(4)** Unless sub. (3) applies, sub. (2) may not be enforced if the person has no  
21 other reasonable options for obtaining shelter or the person has been or would be  
22 denied admission to a homeless shelter because the shelter is at capacity.

23 (END)