

2009 DRAFTING REQUEST

Bill

Received: **07/27/2009**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Tamara Grigsby (608) 266-0645**

By/Representing: **Cindy McGinnis**

This file may be shown to any legislator: **NO**

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Public Assistance - misc**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Grigsby@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Emergency assistance grants

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 07/27/2009	jdye 07/27/2009		_____			State
/1			phenry 07/27/2009	_____	lparisi 07/27/2009		State
/2	pkahler 07/29/2009	jdye 07/30/2009	phenry 07/30/2009	_____	cduerst 07/30/2009	sbasford 07/31/2009	

FE Sent For: "1/2" @ intro, 8/13/09

<END>

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/2	pkahler 07/29/2009	jdyer 07/30/2009	phenry 07/30/2009	_____	cduerst 07/30/2009		

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/?	pkahler 07/27/2009	jdye 07/27/2009		_____			State
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/1		1/27/30 jld	phenry 07/27/2009	7/30 ph/jr	lparisi 07/27/2009		
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FE Sent For:

<END>

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No specific pre topic given

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/?	pkahler	1 7/27/09 jld	1 27 pk	1 7/27 pk/MS			
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FE Sent For:

<END>

Bill Request Form

Legislative Reference Bureau
One East Main Street, Suite 200
Legal Section 266-3561

You may use this form or talk directly with the LRB attorney who will draft the bill.

Date 7-22-09

Legislator, agency, or other person requesting this draft Rep. Tamara Grigsby

Person submitting request (name and phone number) Cindy McInnis 6-0645

Persons to contact for questions about this draft (names and phone numbers) Bob Anderson
256-3304

Describe the problem, including any helpful examples. How do you want to solve the problem?

need for flexibility in making emergency assistance grants

See page 2 of attached letter for fix that needs to be made

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2005 LRB-2345/1 or 2003 AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes:

Anyone who asks? YES NO

Any legislator? YES NO

Only the following persons Carrie in Sen. Jauch's office

Do you consider this request urgent? YES NO If yes, please indicate why _____

Should we give this request priority over any pending request of this legislator, agency, or person?

YES NO

MADISON OFFICE

31 South Mills Street, Madison, Wisconsin 53715

www.legalaction.org | tel 608-256-3304 | toll-free 800-362-3904 | fax 608-256-0510

LEGALAction
OF WISCONSIN

40 Years of Justice

TO: Rep. Tamara Grigsby
 FROM: Bob Andersen *Bob Andersen*
 RE: Revision of Emergency Assistance Grants
 DATE: July 20, 2009

The recent biennial budget bill included a very important provision that was not adopted. It is a provision that would allow for more flexibility in making grants to needy persons who are facing serious financial crises.

Under current law, the statute allocates emergency assistance *per family member*. The trouble with this is that this results in a smaller grant for smaller families that is inadequate to cover the costs of housing that these families face, to pay for rent and security deposits. This formula also does not take into account the great differences that exist in housing costs among the various regions of the state.

Secondly, the current statute does not place the same limit on *energy crises*. This has placed a disproportionate drain on the funds for the payment of energy costs, much to the detriment of the many needy people who have other needs. This is particularly problematic because there are other funding sources (e.g., LIHEAP) that are available to pay for energy costs.

Consequently, the governor's budget bill proposed to revise the emergency assistance statute to allow for flexibility in making emergency assistance grants. The proposed revision of the statute simply removed the limitation that grants be allocated *per family member* and removed the limitation that a maximum could not be established for *energy crisis*.

Below is a copy of the proposed legislative revision as it appeared in the governor's budget bill. This is the legislation that would solve the problems that exist with the current statute.

After that are excerpts copied from the paper of the Legislative Fiscal Bureau, explaining the problems posed by the current statute and explaining that the Department of Children and Families conducted meetings among program administrators and advocates from around the state. The meetings resulted in the recommendations that were made to revise the statute. I was a participant in those meetings that were conducted. I have also attached a copy of the Legislative Fiscal Bureau paper that was prepared for emergency assistance.

As the Legislative Fiscal Bureau excerpts below indicate, an Emergency Rule was adopted on

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La Crosse Office Buffalo, Crawford, Grant, Jackson, Juneau, La Crosse, Monroe, Richland, Trempealeau and Vernon Counties | tel 608-785-2800 | toll-free 800-873-0927 | fax 608-782-0800

Migrant Project *Statewide* | tel 608-256-3304 | toll-free 800-362-3904 | fax 608-256-0510

Milwaukee Office Milwaukee and Waukesha Counties | tel 414-278-7722 | toll-free 888-278-0033 | fax 414-278-7120

Oshkosh Office Adams, Fond du Lac, Green Lake, Marquette, Ozaukee, Sheboygan, Washington, Waushara and Winnebago Counties | tel 920-233-0521 | toll-free 800-230-1128 | fax 920-233-0307

Racine Office Kenosha, Racine and Walworth Counties | tel 262-635-8830 | toll-free 800-242-5846 | fax 262-635-8838

April 9 as an interim measure to allow for some improvement in grant amounts, pending the adoption of the budget bill. Unfortunately, the Emergency Rule expires on September 18, 2009.

I am not sure what can be done about the expiration of the emergency rule, but we would greatly appreciate it if you would consider introducing legislation that would create this flexibility in the emergency assistance program.

Below is the legislation that was proposed by the governor that would resolve the problems pose by the current statute:

SECTION 1140. 49.138 (1m) (intro.) of the statutes is amended to read:
49.138 (1m) (intro.) The department shall implement a program of emergency assistance to needy persons in cases of fire, flood, natural disaster, homelessness or impending homelessness, or energy crisis. The department shall establish the maximum amount of aid to be granted, ~~except for cases of energy crisis, per family member based on the funding available under s. 20.437 (2) (dz) and (md).~~ The department need not establish the maximum amount by rule under ch. 227. The department shall publish the ~~maximum amount and annual changes to it~~ amounts in the Wisconsin administrative register if the department does not establish the amounts by rule. Emergency assistance provided to needy persons under this section may only be provided to a needy person once in a 12-month period. Emergency assistance provided to needy persons under this section in cases of homelessness or impending homelessness may be used only to obtain or retain a permanent living accommodation. For the purposes of this section, a family is considered to be homeless, or to be facing impending homelessness, if any of the following applies:

need this adopted as bill

Below are excerpts taken from Legislative Fiscal Bureau Paper #237 – Children and Families – Economic Support and Child Care

Prior to implementation of an emergency rule, effective April 22, 2009, a permanent rule specified that the actual payment amount was calculated as the lowest of the following three amounts: (a) the maximum payment per group member multiplied by the number of members in the group; (b) the amount requested by the group; or (c) the costs due to an emergency less available income and resources. The maximum benefit amount had been \$150 per eligible family member since September 1, 1995. There was no maximum amount in cases of need due to an energy crisis. The emergency rule is discussed in more detail below.

12. As noted above, the maximum payment per group member of \$150 had been the same since September 1, 1995, for payments made in cases of fire, flood, natural disaster, homelessness, or impending homelessness. There was no maximum payment when the need was due to an energy crisis. DCF determined this maximum amount and published any changes to it in the Wisconsin Administrative Register.

13. DCF holds monthly W-2 Contracts and Implementation (C&I) Committee meetings for representatives from W-2 agencies across the state. The C&I meetings provide an opportunity to explain new W-2 policies, address current issues and/or concerns in the W-2 program, and examine how to improve the W-2 program. As a subgroup to the C&I Committee, an emergency assistance workgroup was established to develop program changes to improve the program and better meet the needs of the applicants. In addition to representatives of W-2 agencies, this subgroup included advocacy groups representing families who could be affected by changes to the emergency assistance program.

14. The emergency assistance workgroup examined the previous maximum benefit of \$150 per group member. It was determined that this maximum benefit amount was inadequate to prevent homelessness or impending homelessness for small families. For example, a family with three members would receive \$450, while a family of six would receive \$900. The family of three most likely would not have a sufficient payment amount for a security deposit for new housing or to pay an owed amount to retain current housing. On the other hand, the family of six may have more than needed to obtain housing. In addition, the maximum payment did not take into account that rental rates vary across the state. The workgroup recommended the ability to develop a benefit structure that would assist families to obtain or retain housing based on family size, rental rates, and what would be needed for that family.

15. The emergency assistance workgroup also examined payments for energy crisis. The maximum payment did not apply to cases of need due to energy crisis. The workgroup recommended that an energy payment cap be implemented in order to avoid large energy payments that would drain the emergency assistance allocation amount. DCF indicates that, at times, thousands of dollars can be paid to a single family due to energy payments. The workgroup reasoned that emergency assistance primarily serves families to avoid homelessness and that other programs, such as the low-income home energy assistance program, existed for on-going energy needs such as weatherization services, energy crisis intervention, and energy payments.

16. The efforts of the emergency assistance workgroup have resulted in an emergency rule that makes several changes to the emergency assistance program effective April 22, 2009. . . .

17. Second, the emergency rule changes the maximum payment amounts for types of need other than energy crisis. The \$150 maximum payment per group member was changed to the following: (a) for a group of two members, \$258 per group member; (b) for a group of three members, \$172 per group member; (c) for a group of four or five members, \$129 per group member; and (d) for a group of six or more members, \$110 per group member. The following table shows this information as the maximum payment amount per family for the different sizes of the family.

Emergency Assistance Maximum Payment per Family by Family Size Under the Emergency Rule in Effect April 22, 2009

Number of Members in Group	Maximum Payment Amount
2 to 4 members	\$516
5 members	\$645
6 members	660
7+ members	660 plus 110 for each additional member

18. Finally, the emergency rule set a maximum payment amount for emergency assistance based on need due to an energy crisis at \$500. In addition, the emergency rule requires that in order to receive an emergency assistance grant based on energy crisis the family must have exhausted resources available through WHEAP and assistance available through local utility companies as required by the Public Service Commission.

[The attached Legislative Fiscal Bureau Paper shows how much has been spent on energy crises, as well as other crises]

21. The bill would eliminate the requirement that DCF establish the maximum amount of aid to be granted, except for cases of energy crises, per family member based on funding available under TANF and TANF maintenance-of-effort. Instead, DCF would be required to establish the amount of aid to be granted. In addition, DCF would be required to publish maximum amounts in the Wisconsin Administrative Register, as it currently publishes the maximum amount along with any changes to the maximum amount, if DCF does not establish the maximum amounts by rule.

22. Under the bill, DCF would have to determine the amount of aid to be granted for each family. There is no requirement that DCF establish a maximum amount, but if DCF does establish maximum amounts, it could do so for cases of energy crisis as well as cases of fire, flood, natural disaster, homelessness, or impending homelessness. If maximum amounts are established, they would have to be published in the Wisconsin Administrative Register, if they are not established by rule. These changes are consistent with the emergency rule in effect on April 22, 2009, and would not substantially change administration of the emergency assistance program.

The provision in the proposed legislation that DCF may choose to establish maximum amounts either by administrative rule or by publication in the Wisconsin Administrative Register is not new. This is the way the statute has always been written.

Thank you for your consideration of this important legislation. If there is any further information you would like from us, please feel free to contact me.



State of Wisconsin
2009 - 2010 LEGISLATURE

-3197/1
LRB-0318/1
PJK/jld/eb
keep

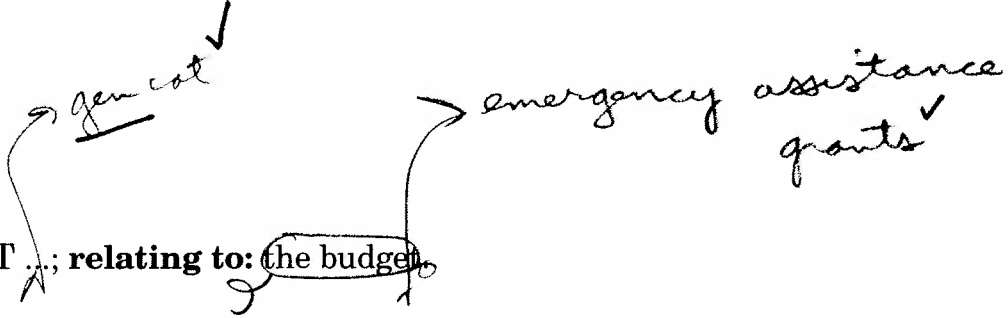
DOA:.....Grimsrud, BB0032 - Emergency assistance
FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

2009 Bill

D-rote
(w/ 7-27)

✓
1

AN ACT ...; relating to: the budget



Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

the department
of children and families (DCF)

Under current law, (DCF) administers a program of emergency assistance to needy persons in cases of fire, flood, natural disaster, energy crisis, or homelessness or impending homelessness. Except for cases of energy crisis, DCF must establish the maximum amount of aid to be granted per family member, and must publish the maximum amount and any changes to it in the Wisconsin Administrative Register. This bill provides that DCF must establish the amount of aid to be granted, including in cases of energy crisis, rather than the maximum amount to be granted for each family member, and that DCF must publish maximum amounts in the Wisconsin Administrative Register if DCF does not establish the amounts by rule.

FE-S ✓

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

- 2 SECTION 1. 49.138 (1m) (intro.) of the statutes is amended to read:
- 3 49.138 (1m) (intro.) The department shall implement a program of emergency
- 4 assistance to needy persons in cases of fire, flood, natural disaster, homelessness or

1 impending homelessness, or energy crisis. The department shall establish the
 2 ~~maximum~~ amount of aid to be granted, ~~except for cases of energy crisis, per family~~
 3 ~~member based on the funding available under s. 20.437 (2) (dz) and (md).~~ The
 4 department need not establish the ~~maximum~~ amount by rule under ch. 227. The
 5 department shall publish the maximum amount and annual changes to it amounts
 6 in the Wisconsin administrative register if the department does not establish the
 7 amounts by rule. Emergency assistance provided to needy persons under this section
 8 may only be provided to a needy person once in a 12-month period. Emergency
 9 assistance provided to needy persons under this section in cases of homelessness or
 10 impending homelessness may be used only to obtain or retain a permanent living
 11 accommodation. For the purposes of this section, a family is considered to be
 12 homeless, or to be facing impending homelessness, if any of the following applies:

13 *Fix component* SECTION ~~9408~~ *LA*. **Initial applicability; Children and Families.**

14 (1) **EMERGENCY ASSISTANCE.** *g* ~~The treatment of section 49.138 (1m) (intro.) of the~~
 15 *g* ~~statutes~~ first applies to determinations of aid payment amounts that are made on the
 16 effective date of this subsection.

17 **SECTION 9408. Effective dates; Children and Families.**

18 (1) **EMERGENCY ASSISTANCE.** The treatment of section 49.138 (1m) (intro.) of the
 19 statutes takes effect on January 1, 2010, or on the effective date of this subsection,
 20 whichever is later.

21 (END)

*NO
 A = This act*

D-note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

date

LRB-3197¹dn

PJK: ↑:...

jld

The effective date for this provision in the budget bill was January 1, 2010. ✓ I did not include a delayed effective date in this bill. Let me know if you would like to delay the effective date. ✓

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3197/1dn
PJK:jld:ph

July 27, 2009

The effective date for this provision in the budget bill was January 1, 2010. I did not include a delayed effective date in this bill. Let me know if you would like to delay the effective date.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

Kahler, Pam

From: McGinnis, Cindy
Sent: Wednesday, July 29, 2009 11:03 AM
To: Kahler, Pam; Kahn, Carrie
Subject: FW: Emergency Assistance bill
Attachments: Emergency assistance revision to LRB 3197-1.pdf; Emergency assistance revision to LRB 3197-1.doc

Pam-

Please see the changes for to LRB 3197/1 attached. Also, we need a Senate companion drafted to this bill and it should go to Senator Jauch – Carrie Kahn is the contact in his office.

Any questions, please give me a call.

Cindy McGinnis
Office of State Representative Tamara Grigsby
324 East State Capitol
PO Box 8952
Madison, WI 53708
1-888-534-0018 - toll free
(608) 266-0645
(608) 282-3618 - fax

From: Robert J. Andersen [mailto:RJA@legalaction.org]
Sent: Wednesday, July 29, 2009 10:42 AM
To: McGinnis, Cindy; Collins, Kimmie L - DCF
Subject: RE: Emergency Assistance bill

Hi Cindy:

Attached is a copy of a minor revision to the LRB draft which is ok by us and the department. We think that in each of the 4 places where there is a reference to "amount", the draft should say "maximum amounts." The attached word and pdf documents show how the legislation would look. We have decided that it is better to stick to the idea of referring to "maximum amounts," as the current statute does, rather than referring simply to amounts. We also think it removes any confusion by always referring to maximum amounts. Thanks.

From: McGinnis, Cindy [mailto:Cindy.McGinnis@legis.wisconsin.gov]
Sent: Monday, July 27, 2009 2:25 PM
To: Robert J. Andersen; Collins, Kimmie L - DCF
Subject: Emergency Assistance bill

Bob/Kimmie -

Here's a draft of the Emergency Assistance bill. Please see the drafter's note as well. Let me know if this is ok.

Cindy McGinnis
Office of State Representative Tamara Grigsby
324 East State Capitol
PO Box 8952
Madison, WI 53708
1-888-534-0018 - toll free
(608) 266-0645
(608) 282-3618 - fax

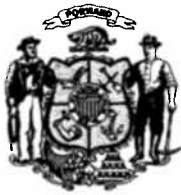
07/29/2009

49.138 (1m) (intro.) The department shall implement a program of emergency assistance to needy persons in cases of fire, flood, natural disaster, homelessness or impending homelessness, or energy crisis. The department shall establish the maximum amounts of aid to be granted, ~~except for cases of energy crisis, per family member based on the funding available under s. 20.437 (2) (dz) and (md).~~ The department need not establish the maximum amounts by rule under ch. 227. The department shall publish the maximum amounts ~~and annual changes to it~~ in the Wisconsin administrative register if the department does not establish the maximum amounts by rule. Emergency assistance provided to needy persons under this section may only be provided to a needy person once in a 12-month period. Emergency assistance provided to needy persons under this section in cases of homelessness or impending homelessness may be used only to obtain or retain a permanent living accommodation. For the purposes of this section, a family is considered to be homeless, or to be facing impending homelessness, if any of the following applies:

SECTION 2. Initial applicability.

(1) This act first applies to determinations of aid payment amounts that are made on the effective date of this subsection.

(END)



rm is new

2009 BILL

(w-7-29)

X

Regen

1 AN ACT *to amend* 49.138 (1m) (intro.) of the statutes; **relating to:** emergency
2 assistance grants. ✓

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES ✓

PUBLIC ASSISTANCE

Under current law, the Department of Children and Families (DCF) administers a program of emergency assistance to needy persons in cases of fire, flood, natural disaster, energy crisis, or homelessness or impending homelessness. Except for cases of energy crisis, DCF must establish the maximum amount of aid to be granted per family member, and must publish the maximum amount and any changes to it in the Wisconsin Administrative Register. This bill provides that DCF must establish the ~~amount~~ of aid to be granted, including in cases of energy crisis, rather than the maximum amount to be granted for each family member, and that DCF must publish ~~the~~ *the* maximum amounts ✓ in the Wisconsin Administrative Register if DCF does not establish ~~the~~ *those* amounts by rule. ✓

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

maximum amounts

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

Basford, Sarah

From: McGinnis, Cindy

Sent: Thursday, July 30, 2009 4:36 PM

To: LRB.Legal

Subject: Draft Review: LRB 09-3197/2 Topic: Emergency assistance grants

Please Jacket LRB 09-3197/2 for the ASSEMBLY.

07/31/2009