

2009 DRAFTING REQUEST

Bill

Received: **07/29/2009**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Robert Jauch (608) 266-3510**

By/Representing: **Carrie Kahn**

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: **Sen.Jauch@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 07/30/2009	kfollett 08/06/2009		_____			State
/1			phenry 08/06/2009	_____	lparisi 08/06/2009	sbasford 08/10/2009	

FE Sent For:

*at
intro*

<END>

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1?	pkahler	1/1kf 8/16	g ph	g Ceph			

FE Sent For:

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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

LEGAL Action
OF WISCONSIN

40 Years of Justice

TO: Rep. Tamara Grigsby

FROM: 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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Racine Office Kenosha, Racine and Walworth Counties | tel 262-637-3830 | toll-free 800-242-5840 | fax 262-637-3838

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:

need this
added as
bill

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:

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 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.

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)



State of Wisconsin
2009 - 2010 LEGISLATURE

3207/1
LRB-31972
PJK:jld:ph
Stays

2009 BILL

(in 7-30)
no changes

Today

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

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 maximum amounts 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 maximum amounts in the Wisconsin Administrative Register if DCF does not establish those amounts by rule.

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:

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

BILL

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

SECTION 2. Initial applicability.

14 (1) This act first applies to determinations of aid payment amounts that are
15 made on the effective date of this subsection.
16

17 (END)

Basford, Sarah

From: Kahn, Carrie
Sent: Monday, August 10, 2009 9:25 AM
To: LRB.Legal
Subject: RUSH: Draft Review: LRB 09-3207/1 Topic: Emergency assistance grants
Importance: High

Please rush this jacket. Thanks.
Please Jacket LRB 09-3207/1 for the SENATE.