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# Wisconsin Legislative Council

## AMENDMENT MEMO

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### 2021 Assembly Bill 604

### Assembly Substitute Amendment 1, as Amended by Assembly Amendment 1 and Assembly Amendment 2

## 2021 ASSEMBLY BILL 604

Among other initiatives relating to homelessness, 2021 Assembly Bill 604 authorizes the designation of public property as a “structured camping facility” at which a homeless individual or family could set up a temporary residence.

The designation of a structured camping facility includes the following features:

- The Department of Administration (DOA) is authorized to make a designation.
- Any real property owned, leased, or occupied by a state agency or a city, village, town, or county may be designated by DOA.
- DOA is required to provide public safety, potable water, and adequate sanitary facilities at property that has been designated, and DOA may derive funds for those purposes from specified housing and homelessness assistance grant and loan programs.

A person who sets up a temporary habitation on public property that has not been designated as a structured camping facility or as a recreational camping area, and where temporary habitation is not consistent with the normal, customary, or temporarily designated usage of the property, is subject to a fine not to exceed \$500, imprisonment not to exceed 30 days, or both.

In addition, a person who sets up a temporary habitation at a structured camping facility, but who fails to comply with instructions or conditions imposed by DOA, is subject to the same penalty.

## ASSEMBLY SUBSTITUTE AMENDMENT 1, AS AMENDED

Assembly Substitute Amendment 1, as amended by both Assembly Amendment 1 and Assembly Amendment 2, makes the following changes regarding the designation of a structured camping facility:

- DOA may not designate public property of a city, village, town, or county without the approval of that political subdivision, unless a resident of the political subdivision petitions the political subdivision to designate public property and the political subdivision fails to designate any public property within 12 months of the petition. However, DOA may designate public property in this circumstance only if the political subdivision had a homeless population above the per capita statewide average for political subdivisions in either of the preceding two statewide counts of homeless populations.
- County fairgrounds and public parks may not be designated.

- The authority of DOA to derive funds from specified housing and homelessness assistance grant and loan programs to provide public safety, potable water, and adequate sanitary facilities is removed.

The substitute amendment, as amended, also creates an exception to the penalty for setting up a temporary habitation on public property that has not been designated as a structured camping facility. That penalty may not be enforced if the person has no other reasonable options for obtaining shelter or if the person has been or would be denied admission to a homeless shelter because the shelter is at capacity. The penalty for failing to comply with instructions or conditions imposed by DOA in setting up a temporary habitation at a structured camping facility is unchanged.

## **BILL HISTORY**

Assembly Substitute Amendment 1 was introduced by Representative Dallman on October 15, 2021. On October 19, 2021, the Assembly Committee on Housing and Real Estate recommended adoption of the amendment on a vote of Ayes, 7; Noes, 3. The committee then recommended passage of the bill, as amended, on a vote of Ayes, 6; Noes, 4.

Assembly Amendment 1 was introduced by Representatives Dallman and Loudenbeck on October 26, 2021, and Assembly Amendment 2 was introduced by Representative Dallman on October 27, 2021. On October 27, 2021, the Assembly adopted both simple amendments to the substitute amendment and adopted the substitute amendment, as amended, on voice votes. The Assembly then passed the bill, as amended, on a vote of Ayes, 55; Noes, 39.

EL:ksm