

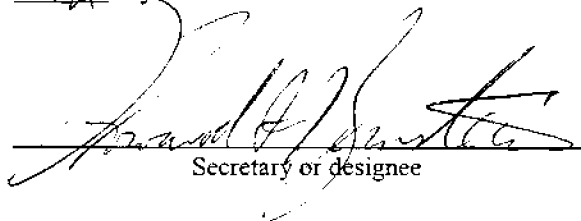
Rules Certificate

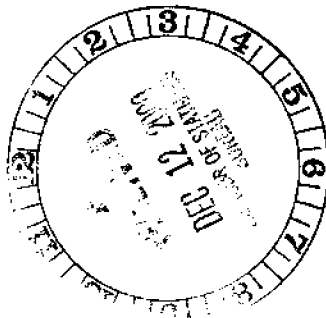
STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF WORKFORCE DEVELOPMENT )

I, Jennifer Reinert, Secretary of the Department of Workforce Development, and custodian of the official records, certify that the annexed rules relating to emergency assistance for families facing impending homelessness were duly approved and adopted by this department on December 8<sup>th</sup> 2000.

I further certify that this copy has been compared by me with the original on file in this department and that it is a true copy of the original and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the of the Department of Workforce Development at 201 E. Washington Avenue in the city of Madison, this 8<sup>th</sup> day of December 2000.

  
Secretary or designee



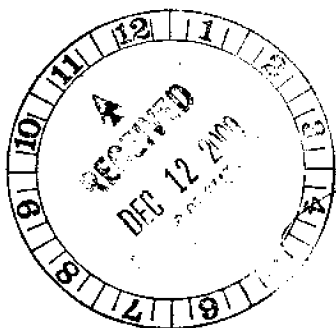
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## Order Adopting Rules

Pursuant to authority vested in the Department of Workforce Development by ss. 49.138(1m), 49.138(1m)(am), and 227.11, Stats., the Department of Workforce Development rennumbers, amends, and creates rules of Wisconsin Administrative Code chapter DWD 16, relating to emergency assistance for families facing impending homelessness.

The attached rules shall take effect on February 1, 2000, pursuant to s. 227.22, Stats.



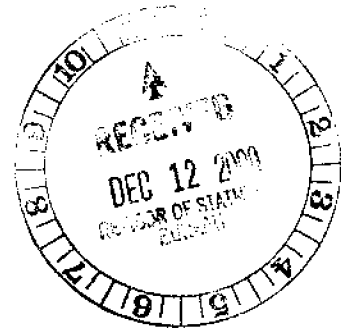
Adopted at Madison, Wisconsin this

Date: December 8, 2000

Department of Workforce Development

Howard J. Kuntz  
Secretary or designee

**State of Wisconsin  
Department of Workforce Development**



**DWD 16**

**Emergency Assistance for Families Facing Impending Homelessness**

The Wisconsin Department of Workforce Development proposes an order to renumber DWD 16.05(1)(f)5; to amend DWD 16.01, 16.03(2), 16.04, and 16.07(note); and to create DWD 16.05(1)(em), 16.05(1)(f)5, 16.05(3), 16.05 (note), and 16.08(6) relating to emergency assistance for families facing impending homelessness.

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**Analysis Prepared by the Department of Workforce Development**

**Statutory authority:** s. 49.138(1m) and (1m)(am), Stats., as affected by 1999 Wisconsin Act 9

**Statutes interpreted:** s. 49.138(1m) and (1m)(am), Stats., as affected by 1999 Wisconsin Act 9

The proposed rules implement the provision of 1999 Wisconsin Act 9 that extends eligibility for Emergency Assistance to families facing impending homelessness. Emergency Assistance is a program that has provided financial assistance to low-income families in need due to homelessness, fire, flood, natural disaster, or energy crisis and will now also include families facing impending homelessness. The maximum payment per family is \$150 per member in cases of need due to fire, flood, natural disaster, homelessness, and impending homelessness and unlimited in cases of need due to energy crisis. Assistance is available once every 36 months for homelessness and impending homelessness and once every 12 months for families in need due to fire, flood, natural disaster, energy crisis, or homelessness when a member of the family is a victim of domestic abuse.

The proposed rules instruct W-2 agencies on the conditions for eligibility and the type of verification required to implement the provision of assistance to families facing impending homelessness. The rules require that the W-2 agency determine that the emergency assistance group is experiencing a financial crisis due to reasons that are beyond the control of an adult member of the group or that constitute good cause as determined by the W-2 agency. The W-2 agency will verify that the financial crisis was caused by loss of employment that does not include voluntarily leaving appropriate employment without good cause; substantial loss of wages due to illness or injury of a group member, domestic violence, lack of child care, a transportation breakdown, or a reduction of work hours by an employer; loss of income due to a second parent leaving the group; exceptional, unexpected, and necessary expenses that are not the responsibility of a third party, such as car repair expenses necessary for transportation to

work or medical expenses required to be paid; or other reasonable circumstances as determined by the W-2 agency.

The rules also require W-2 agencies to verify that the emergency assistance group has received at least one of the following notices: a notice terminating tenancy for failure to pay rent that meets the minimum requirements of s. 704.17, Stats.; a summons and complaint for an eviction action which is based on failure to pay rent; a notice of foreclosure for failure to pay property taxes or a mortgage; a summons and complaint for a foreclosure action that is based on failure to pay property taxes or a mortgage; or a writ of assistance, notice of sale, or other verifiable documentation that a foreclosure judgment has been entered against a member of the emergency assistance group and the group will be required to vacate the premises imminently.

Emergency assistance payments for impending homelessness may be issued to obtain new housing or retain current housing. If an emergency assistance group requests that the emergency assistance payment be made to obtain new housing, the agency shall issue a payment within 5 working days of the date that the group notifies the agency that they have obtained new accommodations. If an emergency assistance group requests that the emergency assistance payment be made to retain current housing, the W-2 agency shall confirm that the landlord, bank, or local government agrees to waive any right to proceed with an eviction or foreclosure action based on the notice served in consideration for receiving the emergency assistance payment on behalf of the group. The agency shall issue a payment within 5 days of the date that the agency receives this confirmation from the landlord, bank, or local government.

The proposed rules also prohibit assistance to teenage parents not living in adult-supervised settings, except in limited circumstances, as required for programs funded by Temporary Assistance to Needy Families (TANF) at 42 USC 608(a)(5). The proposed rules require a qualified caretaker relative to be 18 years of age or older, except in the following circumstances: a minor emancipated due to marriage; an individual with no living parent, legal guardian, or other appropriate adult relative whose whereabouts are known; an individual's whose parent, guardian, or appropriate relative does not allow the individual to live with him or her; an individual or individual's child has been abused or is subject to abuse in the residence of the individual's parent or legal guardian; an individual or minor child face imminent or serious harm if they live in the same residence as the parent or guardian; or the W-2 agency otherwise determines that it is in the best interest of the individual's child to waive the general prohibition of assistance to unmarried caretakers who are under 18 years of age.

**SECTION 1. DWD 16.01, 16.03(2), and 16.04 are amended to read:**

**DWD 16.01 Purpose.** This chapter implements s. 49.138, Stats., which directs the department to administer a program of emergency assistance for persons who are in need due to fire, flood, natural disaster, homelessness, impending homelessness, or energy crisis and who meet the eligibility criteria under this chapter.

**DWD 16.03 (2)** “Emergency assistance” means the program under s. 49.138, Stats., for emergency assistance to families with needy children in cases of fire, flood, natural disaster, homelessness, impending homelessness, or energy crisis.

**DWD 16.04 Application.** Application for emergency assistance shall be made on a form prescribed by the department. Upon receipt of a completed application, the agency shall verify that the emergency was due to fire, flood, natural disaster, homelessness, impending homelessness, or an energy crisis. Verification of eligibility shall not delay the provision of assistance.

**SECTION 2. DWD 16.05(1)(em) is created to read:**

**DWD 16.05 (1) (em)** An individual under 18 years of age is ineligible to be a qualified caretaker relative unless:

1. The individual is or has ever been married.
2. The individual has no parent, legal guardian, or other appropriate adult relative who would meet applicable criteria to act as the individual’s legal guardian who is living or whose whereabouts are known.
3. No living parent, legal guardian, or other appropriate adult relative who would meet applicable criteria to act as the individual’s legal guardian allows the individual to live in the home of the parent, guardian, or relative.
4. The individual or the child for whom assistance is requested is being or has been subjected to serious physical or emotional harm, sexual abuse, or exploitation in the residence of the individual’s own parent or legal guardian.

5. Substantial evidence exists of an act or failure to act that presents an imminent or serious harm if the individual and the minor child lived in the same residence with the individual's own parent or legal guardian.

6. The W-2 agency otherwise determines that it is in the best interest of the individual's child to waive the general prohibition on assistance to unmarried caretakers who are under 18 years of age.

**SECTION 3. DWD 16.05(1)(f)5. is renumbered as DWD 16.05(1)(f)6.**

**SECTION 4. DWD 16.05(1)(f)5., 16.05(3), and 16.05(note) are created to read:**

**DWD 16.05(1)(f)5.** Impending homelessness as determined under sub. (3).

**DWD 16.05(3) ELIGIBILITY DUE TO IMPENDING HOMELESSNESS.** An emergency assistance group shall be considered to be facing impending homelessness for purposes of determining nonfinancial eligibility under sub. (1) if the group is experiencing a financial crisis that makes it very difficult to make a rent payment, mortgage payment, or property tax payment and the group has been notified that it will be required to leave its current housing if it does not make that payment immediately.

(a) The W-2 agency shall determine that the emergency assistance group is experiencing a financial crisis due to reasons that are either beyond the control of an adult member of the group or that constitute good cause as determined by the W-2 agency.

(b) The W-2 agency shall verify that the financial crisis was caused by one or more of the following:

1. Loss of employment that does not include voluntarily leaving appropriate employment without good cause.

2. Substantial loss of wages due to illness or injury of a group member, domestic violence, lack of child care, a transportation breakdown, or a reduction of work hours by an employer.

3. Loss of income due to a second parent leaving the group.

4. Exceptional, unexpected, and necessary expenses that are not the responsibility of a third party, such as car repair expenses necessary for transportation to work or medical expenses required to be paid.

5. Loss of W-2 benefits due to a sanction that is subsequently overturned through the dispute resolution process under s. 49.152, Stats.

6. Other reasonable circumstances as determined by the W-2 agency.

(c) The W-2 agency shall verify that the emergency assistance group has received at least one of the following notices:

1. A notice terminating tenancy for failure to pay rent that meets the minimum requirements of s. 704.17, Stats.

2. A summons and complaint for an eviction action which is based on failure to pay rent.

3. A notice of foreclosure for failure to pay property taxes or a mortgage.

4. A summons and complaint for a foreclosure action that is based on failure to pay property taxes or a mortgage.

5. A writ of assistance, notice of sale, or other verifiable documentation that a foreclosure judgment has been entered against a member of the emergency assistance group and the group will be required to vacate the premises imminently.

**Note:** s. 799.40(4), Stats., provides: "The court shall stay the proceedings in a civil action of eviction if the tenant applies for emergency assistance under s. 49.138. The tenant shall inform the court of the outcome of the determination of eligibility for emergency assistance. The stay remains in effect until the tenant's eligibility for emergency assistance is determined and, if the tenant is determined to be eligible, until the tenant receives the emergency assistance."

#### **SECTION 5. DWD 16.07 note is amended to read:**

**Note:** The maximum payment amount per group member is \$150 for cases of need due to fire, flood, natural disaster, and homelessness, and impending homelessness. The maximum payment amount does not apply to cases of need due to an energy crisis. Changes to the maximum payment amount will be announced in the Administrative Register.

#### **SECTION 6. DWD 16.08 (6) is created to read:**

**DWD 16.08 (6)** Emergency assistance payments for impending homelessness under s. DWD 16.05(3) may be issued to obtain a new permanent living accommodation or retain a current permanent living accommodation.

(a) If an emergency assistance group requests that the emergency assistance payment be made to obtain a new permanent living accommodation, the agency shall issue a payment, following the eligibility determination, within 5 working days of the date that the group notifies the agency that a permanent living accommodation has been obtained.

(b) If an emergency assistance group requests that the emergency assistance payment be made to retain a current permanent living accommodation, the W-2 agency shall confirm that the

landlord, bank, or local government agrees to waive any right to proceed with an eviction or foreclosure action based on the notice served in consideration for receiving the emergency assistance payment on behalf of the group. The agency shall issue a payment, following the eligibility determination, within 5 days of the date that the agency receives this confirmation from the landlord, bank, or local government.

**EFFECTIVE DATE.** This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.