

## Chapter Adm 86

### SHELTER FOR HOMELESS PERSONS

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**Note:** Chapter HSS 87 was created as an emergency rule effective October 4, 1985. Chapter HSS 87 was renumbered chapter Adm 15 under s. 13.93 (2m) (b) 1. and 7., Stats., Register, February, 1994; Chapter Adm 15 was renumbered chapter Comm 150 under s. 13.93 (2m) (b) 1., Stats., and corrections were made under s. 13.93 (2m) (b) 6. and 7., Stats., Register January 2004 No. 577. Chapter Comm 150 was renumbered chapter Adm 86 under s. 13.92 (4) (b) 1., Stats., Register December 2011 No. 672.

**Adm 86.01 Introduction.** (1) **AUTHORITY AND PURPOSE.** This chapter is promulgated under the authority of s. 16.308 (4), Stats., for the purpose of establishing criteria and procedures for the award of grants to agencies providing shelter to homeless persons.

(2) **TO WHOM THE CHAPTER APPLIES.** This chapter applies to the department and to county, municipal and federally-recognized tribal governing bodies and agencies, community action agencies and non-profit organizations providing shelter for homeless persons.

**History:** Cr. Register, May, 1987, No. 377, eff. 6-1-87; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, February, 1994, No. 458; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

**Adm 86.02 Definitions.** In this chapter:

(1) “Applicant” means a shelter agency or lead agency applying for a grant under s. 16.308, Stats., and this chapter.

(2) “Department” means the Wisconsin department of administration.

(3) “Homeless person” means a person who has no place to stay and states that he or she does not have the financial means to purchase lodging.

(4) “Lead agency” means a department-designated applicant that submits a joint application on behalf of all Dane county or Milwaukee county shelter agencies that wish to apply for grants under this chapter.

(5) “Shelter” means temporary lodging for homeless persons.

(6) “Shelter agency” means an agency that operates a shelter facility or a voucher program, or both, or that purchases shelter for homeless persons from a shelter facility.

(7) “Shelter day” means shelter provided to one homeless person for one night or for a full 24-hour period.

(8) “Shelter facility” means a place of temporary lodging which provides shelter without charge to homeless persons.

(9) “Shelter service” means a place to stay and related services provided by a shelter agency to homeless persons. “Related services” may include meals, intake, assessment, information and referral and housing counseling.

(10) “Voucher program” means a program that provides funds for the purchase of shelter for homeless persons.

**History:** Cr. Register, May, 1987, No. 377, eff. 6-1-87; correction in (1) and (2) made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, February, 1994, No. 458; correction in (1), (2) made under s. 13.92 (4) (b) 6., 7., Stats., Register December 2011 No. 672.

**Adm 86.03 Application for a grant.** (1) The department shall solicit applications for grants under s. 16.308, Stats., and this chapter.

(2) An applicant shall submit a complete application to the department on a form provided by the department and shall include all other supporting documents required by the department to determine the applicant’s eligibility under s. Adm 86.04.

(3) An applicant shall submit with its application a proposed operating budget for the calendar or fiscal year for which funding is requested. The proposed operating budget shall itemize all anticipated sources and amounts of revenue, including the value of donated goods and services, and all anticipated expenditures.

**Note:** Copies of the form, “Homeless Shelter Subsidy Program Application,” can be obtained by writing: Department of Administration, P.O. Box 7970, Madison, WI 53707.

**History:** Cr. Register, May, 1987, No. 377, eff. 6-1-87; correction in (1) and (2) made under s. 13.93 (2m) (b) 7., Stats., Register, February, 1994, No. 458; correction in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; 2019 Wis. Act 76: am. (1) Register February 2020 No. 770, eff. 3-1-20.

**Adm 86.04 Criteria for determining eligibility for a grant.** An applicant, including all shelter agencies participating in the application, shall meet the following requirements to be eligible for a grant:

(1) **TYPE OF APPLICANT.** The applicant shall be:

(a) A county or municipal governing body or a federally recognized tribal agency;

(b) A community action agency, as defined in s. 49.265 (2) (a), Stats., or

(c) A nonprofit organization, as defined in s. 108.02 (19), Stats.

(2) **PROHIBITED USES.** The applicant shall give assurances that no part of the grant will be used to:

(a) Make security deposits or pay rent for permanent housing;

(b) Provide shelter in a private home;

(c) Construct a new shelter facility;

(d) Operate a shelter care facility licensed under ch. 48, Stats.;

(e) Operate a shelter facility or private home providing shelter for victims of domestic abuse;

(f) Operate a community-based residential facility licensed under ch. DHS 83; or

(g) Operate an agency that provides only shelter information and referral or housing relocation services.

(3) **ORGANIZATIONAL CAPABILITY.** The applicant shall demonstrate that it is organizationally capable of meeting the requirements of this chapter by documenting:

(a) Experience in providing services to needy or homeless persons;

(b) That a substantial portion of its budget can be supported by revenue from other sources;

(c) Staff capability and experience in managing funds; and

(d) Support from existing service providers in the community.

(4) **NEED.** (a) The applicant shall demonstrate that there is a need in the community for the development, expansion or continuation of shelter services.

(b) The applicant shall indicate a need for additional funding in its proposed operating budget resulting from:

1. A need to renovate or expand the existing shelter facility, which may include renovation to improve physical accessibility;
2. A need to develop an existing building into a shelter facility.
3. A need to expand shelter services for homeless persons; or
4. An inability to obtain adequate funding to continue the provision of an existing level of shelter services.

(5) **TARGET GROUP.** The applicant shall give assurance that shelter services are fully accessible to homeless individuals and families and that:

(a) There is no requirement for residency, payment, or participation in religious activity as a condition for receiving shelter services;

(b) Shelter agencies serving only families or only individuals have procedures for helping other homeless persons obtain shelter;

(c) Shelter agencies make shelter and other services accessible to persons with physical disabilities or have procedures for helping those persons obtain accessible shelter; and

(d) Shelter agencies meet state equal employment opportunity requirements under subch. II of ch. 111, Stats.

(6) **REQUIRED SERVICES.** The applicant shall give assurances that each shelter agency included in the application provides at least the following services:

(a) Shelter;

(b) Intake, including an interview with the homeless person to determine the extent of the person's needs; and

(c) Information and referral.

(7) **INTERAGENCY COORDINATION.** The applicant shall provide evidence that it is coordinating its services with those of other shelter agencies, the local sheriff or police department, the county social services or human services department established under s. 46.034, 46.21, 46.215, 46.22 or 46.23, Stats., and county departments established under ss. 51.42 and 51.437, Stats. Coordination shall include:

(a) Interagency referral procedures; and

(b) Orientation of staff regarding services provided by these agencies.

(8) **ADDITIONAL REQUIREMENTS FOR SHELTER FACILITIES.** The applicant shall provide evidence that each shelter facility included in the application meets additional requirements as follows:

(a) The shelter facility has been inspected to ensure that it complies with chs. SPS 361 to 366;

(b) The shelter facility is inspected twice a year under s. 101.14, Stats., to ensure that it is in compliance with all applicable fire safety codes;

(c) The shelter facility has a written safety plan which includes:

1. Fire safety procedures;
2. Building evacuation procedures in the event of an emergency; and
3. Staff responsibilities regarding medical and mental health emergencies; and

(d) The shelter facility ensures that staff are in the facility whenever homeless persons are present in the facility.

(9) **ADDITIONAL REQUIREMENTS FOR A COUNTY OR MUNICIPALITY THAT ADMINISTERS GENERAL RELIEF.** When the applicant is a county, tribal or municipal governing body or agency

that administers general relief under s. 49.02, Stats., the applicant shall meet the following additional requirements to be eligible for funds under this chapter:

(a) The cost of providing shelter that is funded by general relief shall be excluded from the applicant's proposed operating budget;

(b) The applicant's estimated shelter days may not include shelter days paid for by general relief;

(c) A shelter facility or voucher program operated by the applicant shall be available to serve all homeless persons whether or not they are eligible for general relief; and

(d) The applicant shall ensure that funds received under this chapter are not expended to supplant or reduce shelter benefits that the governing body is obligated to provide under s. 49.02, Stats.

(10) **WAIVER OF ELIGIBILITY CRITERIA.** The department may waive any requirement under this section if the department determines that an alternative to the requirement provides for the housing and protection of homeless persons and does not violate s. 16.308, Stats.

**History:** Cr. Register, May, 1987, No. 377, eff. 6-1-87; correction in (9) (d) and (10) made under s. 13.93 (2m) (b) 7., Stats., Register, February, 1994, No. 458; corrections in (7) and (8) made under s. 13.93 (2m) (b) 7., Stats., Register, July, 1999, No. 523; corrections in (2) (f), (9) (intro.) and (d) made under s. 13.93 (2m) (b) 1. and 7., Stats., Register February 2002 No. 554; correction in (1) (b), (2) (f), (8) (a), (b), (10) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

#### **Adm 86.05 Criteria for awarding grants. (1)**

**METHOD FOR DISTRIBUTING GRANTS.** (a) 1. Funds allocated under s. 16.308 (2) (b) 1. and 2., Stats., for eligible applicants in Dane county and Milwaukee county shall be distributed in each of those counties through a department-designated lead agency representing all eligible shelter agencies in the county applying for funds under this chapter, in accordance with s. 16.308 (3) (am) 3. and 4., Stats.

2. The lead agency shall distribute all funds received under s. 16.308, Stats., to eligible shelter agencies within the same county under the conditions described in its application. Those conditions shall meet all requirements under this chapter and s. 16.308, Stats. The application shall be signed by all the shelter agencies in the county applying for funds.

(b) Funds allocated under s. 16.308 (2) (b) 3., Stats., for shelter agencies in the balance of the state shall be distributed according to the following procedure:

1. Each applicant shall submit a projection of the number of shelter days to be provided during the year for which the grant application is submitted and shall provide supporting data for this estimate; and

2. The department shall distribute funds based on each eligible applicant's projected proportion of the balance of state shelter days to be provided. In this subdivision "balance of state shelter days" means the sum of all shelter day projections submitted by eligible applicants outside of Milwaukee and Dane counties for any fiscal year.

(2) **MAXIMUM AMOUNT OF GRANTS.** In accordance with s. 16.308 (3), Stats.:

(a) A lead agency located in Dane county or Milwaukee county may receive, before July 1, 1987, a grant of not more than 35% and after June 30, 1987, a grant of not more than 50% of the total current or proposed operating budgets of:

1. One or more shelter facilities from which the lead agency purchases shelter for homeless persons; or

2. Two or more shelter facilities which the lead agency represents.

(b) An eligible applicant which is not located in Dane county

or Milwaukee county may receive a grant of not more than 50% of:

1. The current or proposed operating budget of one or more shelter facilities operated by the applicant; or
  2. The portion of the applicant's current or proposed operating budget allocated for providing homeless persons with vouchers that may be exchanged for temporary shelter.
- (c) In determining the maximum grant award under this sub-

section, prior to multiplying by the applicable percentage under par. (a) or (b), the applicant's proposed operating budget shall be reduced by that portion of the value of donated goods and services which exceed 15% of the total budget.

**History:** Cr. Register, May, 1987, No. 377, eff. 6-1-87; corrections in (1) and (2) (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register, February, 1994, No. 458; correction in (1) (a) 1., 2., (b) (intro.), (2) (intro.) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; 2019 Wis. Act 76: am. (2) (a) (intro.), (b) Register February 2020 No. 770, eff. 3-1-20.