

## Chapter VA 13

### VETERANS HOUSING AND RECOVERY PROGRAM

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**Note:** Chapter VA 13 was created as an emergency rule effective January 6, 1994.

**VA 13.001 Purpose.** The purpose of this chapter is to establish rules for the administration of the veterans housing and recovery program for the provision of temporary housing assistance for eligible veterans.

**History:** CR 23-056: cr. Register May 2024 No. 821, eff. 6-1-24.

**VA 13.01 Definitions.** In this chapter the following terms shall have the designated meanings:

(1) “Applicant” means a person who requests assistance under the program by filing a written application with the department.

(1m) “Case management” means an organized process to ensure appropriate treatment, rehabilitation, and services are available to a participant in a planned, coordinated, efficient, and effective manner to promote a high-quality, cost-effective intervention and outcome.

(2m) “Homeless” means that a veteran is experiencing any of the following:

- (a) Is without a full-time or adequate nighttime residence.
- (b) Has a full-time nighttime residence that is not intended to be a regular place for people to sleep, including a car, park, abandoned building, bus or train station, airport, or camping ground.
- (c) Is residing in a shelter, including a hotel or motel, designated as a temporary living arrangement.
- (d) Is residing in a place not meant for human habitation or having exited an institution in which the veteran temporarily resided.
- (e) Is at risk of imminently losing their housing, including housing they own, rent, or live in without paying rent or are sharing with others, as well as rooms in hotels or motels.
- (f) Is fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions in their current housing situation.

(2r) “Program” means the veterans housing and recovery program authorized under s. 45.43, Stats.

(3) “Veteran” means an individual who served in the U.S. armed forces or in forces incorporated as part of the U.S. armed forces and who was discharged under conditions other than dishonorable.

(4m) “VHRP facility” means a program site that provides temporary housing for eligible veterans.

**History:** Cr. Register, May, 1994, No. 461, eff. 6-1-94; CR 05-002: am. (1) and (4), cr. (5) Register May 2005 No. 593, eff. 6-1-05; corrections in (3) and (4) made under s. 13.93 (2m) (b) 7., Stats., Register May 2006 No. 605; 2013 Wis. Act 189: r. (5) Register April 2014 No. 700, eff. 5-1-14; CR 23-056: am. (1), cr. (1m), r. (2), cr. (2m), am. (3), (4), cr. (5) Register May 2024 No. 821, eff. 6-1-24; renum. (2r), (4m) from (4), (5) under s. 13.92 (4) (b) 7., Stats., Register May 2024 No. 821.

**VA 13.02 Applicant eligibility. (1) VETERAN STATUS.** The department shall verify an applicant’s veteran status.

(2) **ASSESSMENT TO DETERMINE NEED FOR ASSISTANCE.** (ag) Each applicant shall be assessed to determine his or her veteran status and need for assistance in the following areas:

1. Medical.
2. Legal.
3. Alcohol and other drug abuse.
4. Mental health.
5. Housing.
6. Employment.

(br) Assistance shall be provided to a veteran under the program when the veteran’s need for assistance arises because of any of the following circumstances:

1. Conditions that indicate that the veteran is homeless or at risk of becoming homeless.
2. Conditions that indicate the veteran is unemployed or underemployed which significantly limits the veteran’s ability to be self-supporting.
3. Conditions that indicate the veteran is afflicted with acute or chronic physical or mental health problems which significantly limits the veteran’s ability to be self-supporting.
4. Conditions that indicate that the veteran has insufficient monthly income and resources, as determined by the department, to pay for the cost of housing.

(3) **PROVISION OF ASSISTANCE.** (a) A veteran who establishes a need for assistance under this section shall enter into a written agreement with the department identifying the assistance that the veteran shall receive and the veteran’s responsibilities under the program.

(b) An applicant may be denied assistance under any of the following circumstances:

1. The applicant does not meet the definition of homeless.
2. The applicant’s needs exceed the capabilities of the program.
3. The applicant has sufficient funds to be self-supporting.
4. The applicant is unwilling to participate in case management.
5. The applicant is on the sex offender registry.
6. The applicant has an outstanding active warrant.
7. The applicant was previously discharged for cause from the program by the department. The department may require a veteran to meet certain conditions prior to applying for assistance if the veteran was previously discharged from the program by the department.

(4) **ADDITIONAL BENEFIT.** Assistance provided under the program is in addition to any other benefits or services a veteran is entitled to receive under any other program administered by the department.

**History:** Cr. Register, May, 1994, No. 461, eff. 6-1-94; CR 05-002: am. (2) (intro) and (3), cr. (2) (e) Register May 2005 No. 593, eff. 6-1-05; CR 23-056: r. and recr. (title), am. (1), (2) (title), renum. (2) (ag) (intro.), 1. to 6. from VA 13.03 (intro.), (1) to (4), (6), (7), renum. (2) (intro.), (a) to be (2) (br) (intro.), 1. and am., r. (2)

(b), renum. (2) (c) to (e), (3) to be (2) (br) 2. to 4., (3) (a) and am., cr. (3) (b), (4) Register May 2024 No. 821, eff. 6-1-24.

**VA 13.035 Program participation.** (1) WRITTEN AGREEMENT. The department may provide assistance under the program upon determination of an applicant's eligibility under s. VA 13.02 and after completing a written agreement between the veteran and the department.

(2) AGREEMENT REQUIREMENTS. The department shall specify all of the following in the written agreement:

- (a) The veteran's demographic information.
- (b) The veteran's responsibilities under the program and the consequences of the participant's failure to comply with those responsibilities.
- (c) A provision informing the veteran of the following rights:
  1. The veteran's right to voluntarily withdraw from the program at any time.
  2. The veteran's right to request reconsideration of a department decision to discharge a participant from the program as specified under s. VA 13.04 (3m).

(d) The assistance the veteran is eligible to receive based on the assessment conducted under s. VA 13.02 (2).

(e) The conditions of discharge as specified under s. VA 13.04 (2m).

**Note:** A copy of the written agreement may be obtained on the department's website at [www.WisVets.com](http://www.WisVets.com), or by request from the Department of Veterans Affairs, P.O. Box 7843, Madison, WI 53707-7843, or call 800-WIS-VETS (947-8387).

(3) TERMS OF AGREEMENT. The term of the initial agreement may be up to 2 years as determined by the USDVA and may be extended by the department.

(4) TERMINATION OF AGREEMENT. The department may terminate assistance only for reasons specified under s. VA 13.04 (2m). The veteran may terminate the agreement at any time for any reason.

**History:** CR 23-056: cr. Register May 2024 No. 821, eff. 6-1-24.

**VA 13.04 Assistance.** (1) ASSISTANCE PROVIDED. Upon completion of an assessment conducted under s. VA 13.02 (2), and pursuant to a written agreement between the department and the eligible veteran, the following assistance shall be provided:

- (a) Transitional housing at a VHRP facility.
- (b) Referrals to service providers.
- (c) Appropriate support services to enable independence and ability to secure permanent housing, including medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living.

(2m) DISCHARGE FROM PROGRAM. The department may discharge a veteran from the program whenever any of the following occurs:

- (a) The department determines that the veteran no longer meets the eligibility requirements of the program under s. VA 13.02 (2).
- (b) The department determines that the needs of the veteran exceed the capabilities of the program.
- (c) The veteran fails to participate in the responsibilities outlined in the written agreement under s. VA 13.035 (1).
- (d) The department finds that the veteran willfully made or caused to be made false statements relating to the participant's eligibility during the assessment conducted under s. VA 13.02 (2).
- (e) The department determines that the veteran is no longer in need of assistance under the program.

(f) The veteran voluntarily withdraws from the program.

(g) The veteran is incarcerated in jail or prison.

(3m) RECONSIDERATION PROCEDURES. An applicant who is denied admittance or a veteran discharged from the program may request reconsideration of a department decision by submitting a written request to the department's office of legal counsel. The request for reconsideration must be received by the department within 60 calendar days after the date of the department decision.

**Note:** The address to deliver a written request for reconsideration is Department of Veterans Affairs, Office of Legal Counsel, P.O. Box 7843, Madison, WI 53707-7843.

(4) Vocational assistance to enable a veteran at a regional transitional housing site to receive, as determined by the department, financial assistance to pursue vocational opportunities.

**Note:** Subsection (4) was inadvertently left in by rule CR 23-056 and will be removed in future rulemaking.

**History:** Cr. Register, May, 1994, No. 461, eff. 6-1-94; CR 05-002: cr. (3) Register May 2005 No. 593, eff. 6-1-05; CR 05-103: cr. (4) Register May 2006 No. 605, eff. 6-1-06; CR 23-056: renum. (intro.), (1), (2) to (1) (intro.), (a), (b) and, as renumbered, am. (1) (intro.), (a), cr. (1) (c), (2m), r. (3), cr. (3m) Register May 2024 No. 821, eff. 6-1-24; correction in (2m) (c) made under s. 13.92 (4) (b) 7., Stats., Register May 2024 No. 821.

**VA 13.05 Program fees.** The department may collect a monthly fee from a veteran residing in a VHRP facility in an amount calculated under the following schedule:

(1) RESIDENTS OF A VHRP FACILITY. A resident of a VHRP facility who is employed or who is receiving supplemental security income, social security disability insurance payments or any other disability or pension benefits, other than compensated work therapy or industrial/incentive therapy payments paid at a rate below the prevailing minimum wage, may be assessed a monthly program fee of not more than 30 percent of the veteran's monthly net income, after deductions for VA overpayments, medical expenses, child care expenses, court-ordered child support payments, or any other court-ordered payment. The amount of assessed program fees shall be uniformly applied to each resident of a specific site. The total amount of the monthly assessments at a particular site may not exceed the program's set maximum rate in accordance with 38 CFR 61.82 (a). The amount assessed to a resident may begin upon the resident's receipt of a second pay or benefit check except when the resident receives a retroactive lump sum award of pension, compensation, or other entitlement payments. When a lump sum is received for a retroactive payment, 30 percent or program fee max will be paid for all prior benefit months received in lump sum. The assessment will begin upon receipt of the pay or benefit check.

(2m) ASSESSMENT OF PROGRAM FEES. The determination for the monthly assessment and the collection process and procedures shall be documented in the department's program operating procedures.

**History:** Cr. Register, July, 1998, No. 511, eff. 8-1-98; CR 03-045: am. (intro.) and (1) Register October 2003 No. 574, eff. 11-1-03; CR 05-103: am. (2) Register May 2006 No. 605, eff. 6-1-06; CR 23-056: am. (title), (intro.), (1), r. (2), cr. (2m) Register May 2024 No. 821, eff. 6-1-24; correction in (1) made under s. 35.17, Stats., and (2m) title created under s. 13.92 (4) (b) 2., Stats., Register May 2024 No. 821 Register May 2024 No. 821.

**VA 13.065 Protection of personal information.** Any person or entity involved with the operations of the program or who provides services under the program shall ensure that all applicant data and the veteran's personal information collected are secure and maintained in accordance with state and federal confidentiality and privacy laws, rules, and regulations.

**History:** CR 23-056: cr. Register May 2024 No. 821, eff. 6-1-24.