



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-0926/P3
EAW:cdc

DOA:.....Rice, BB0309 – Emergency Assistance Eligibility Changes

FOR 2021-2023 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Emergency assistance for needy families

Under current law, DCF administers a program to distribute emergency assistance funds to qualifying families who are homeless or who are facing impending homelessness. Current law describes several scenarios that constitute “homelessness or impending homelessness” for purposes of receiving the emergency assistance. One scenario under current law is if the family receives an eviction notice due to its inability to make rent, mortgage, or property tax payments that results from a financial hardship. Under current law, a family can only qualify for this emergency assistance once in a 12-month period. DCF rules specify certain financial and non-financial eligibility requirements and the maximum payment amounts for the emergency assistance.

Under current DCF rule, a family is defined as one or more dependent children and a qualified caretaker relative who lives with the child, and a family’s annual gross income may not exceed 115 percent of the federal poverty line in order to qualify. The maximum payment amount is calculated by multiplying the maximum payment amount per family member for a family of that size by the number of family members, or is determined by the amount of actual financial need due to the

emergency, whichever is less. Under current DCF rule, the maximum payment amounts for families range from \$258 per family member for a two-person family to \$110 per family member for a family of six or more people.

This bill makes the following changes to the emergency assistance program:

1. Adds that an individual who is between the ages of 18 and 24 may qualify for emergency assistance payments even if that person is not a qualifying caretaker relative of a child.

2. Increases the maximum family annual gross income to 200 percent of the federal poverty line.

3. Allows a family to receive emergency assistance once in a six-month period instead of once in a 12-month period.

4. Sets the maximum payment at an amount set by DCF by publication in the Wisconsin Administrative Register, regardless of the size of the family, or the actual financial need of the family due to the emergency, whichever is less.

The bill also specifies that, during a national emergency declared by the U.S. president or a state of emergency declared by the governor, a family is considered to be facing impending homelessness if it cannot make rent, mortgage, or property tax payments regardless of whether the family has received notice that it will be evicted if the payments are not made immediately.

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:

SECTION 1. 20.437 (2) (dz) of the statutes is amended to read:

20.437 (2) (dz) *Temporary Assistance for Needy Families programs; maintenance of effort.* The amounts in the schedule for administration and benefit payments under Wisconsin Works under ss. 49.141 to 49.161, the learnfare program under s. 49.26, and the work experience program for noncustodial parents under s. 49.36; for payments to local governments, organizations, tribal governing bodies, and Wisconsin Works agencies; for kinship care and long-term kinship care assistance as specified under s. 49.175 (1) (s); for aid payments and local administration with respect to any services or program specified under s. 49.175 (1); and for emergency assistance for needy families ~~with needy children~~ under s. 49.138. Payments may be made from this appropriation account for any contracts under s.

49.845 (4) and for any fraud investigation and error reduction activities under s. 49.197 (1m). Moneys appropriated under this paragraph may be used to match federal funds received under par. (md). Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer funds between fiscal years under this paragraph. Notwithstanding ss. 20.001 (3) and 20.002 (1), the department of health services shall credit to this appropriation account funds for the purposes of this appropriation that the department transfers from the appropriation account under s. 20.435 (5) (bc). All funds allocated by the department but not encumbered by December 31 of each year lapse to the general fund on the next January 1 unless transferred to the next calendar year by the joint committee on finance.

SECTION 2. 49.138 (title) of the statutes is amended to read:

49.138 (title) Emergency assistance for needy families with ~~needy~~ children.

SECTION 3. 49.138 (1d) (am) of the statutes is created to read:

49.138 (1d) (am) “Family” means one of the following:

1. An individual who has attained the age of 18 years but has not yet attained the age of 25 years.
2. One or more dependent children and a qualified caretaker relative, as defined by the department, with whom the child is living or was living at the time the emergency occurred.

SECTION 4. 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 amounts of aid to be granted. The department need not establish the

maximum amounts by rule under ch. 227. The department shall publish the maximum amounts 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~~ 6-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 5. 49.138 (1m) (f) of the statutes is created to read:

49.138 **(1m)** (f) During a national emergency declared by the U.S. president under [50 USC 1621](#) or a state of emergency declared by the governor under s. 323.10, the family is delinquent on a rent payment, a mortgage payment, or a property tax payment.

SECTION 6. DCF 120.03 (3) of the administrative code is amended to read:

DCF 120.03 **(3)** “Emergency assistance group” or “group” means “family” as referred to defined in s. 49.138 (1d) (am), Stats., ~~and includes one or more dependent children as defined by s. 49.141 (1) (e), Stats., and a qualified caretaker relative with whom the child is living or was living at the time the emergency occurred.~~

SECTION 7. DCF 120.05 (1) (c) of the administrative code is amended to read:

DCF 120.05 **(1)** (c) ~~The~~ If the emergency assistance group includes a child, the child for whom assistance is requested is or, within 6 months prior to the month of application for emergency assistance, was living with a qualified caretaker relative in a place of residence maintained as the caretaker relative’s own home and is

anticipated to live with the qualified caretaker relative in the month following the application date.

SECTION 8. DCF 120.05 (1) (d) of the administrative code is amended to read:

DCF 120.05 (1) (d) Assistance is needed to avoid destitution of the child or individual aged 18 to 24 or to provide a living arrangement for the child or the individual aged 18 to 24 in a home.

SECTION 9. DCF 120.05 (1) (e) of the administrative code is amended to read:

DCF 120.05 (1) (e) The ~~child's~~ destitution of the child or individual aged 18 to 24 or need for living arrangements did not result from the child, the individual aged 18 to 24, or a qualified caretaker relative refusing without good cause to accept employment or training for employment.

SECTION 10. DCF 120.05 (3) (e) of the administrative code is created to read:

DCF 120.05 (3) (e) During a national emergency declared by the U.S. president under [50 USC 1621](#) or a state of emergency declared by the governor under s. 323.10, Stats., the family is delinquent on a rent payment, a mortgage payment, or a property tax payment.

SECTION 11. DCF 120.06 (1) (intro.) of the administrative code is amended to read:

DCF 120.06 (1) INCOME. (intro.) The gross income of the emergency assistance group may not exceed ~~115%~~ 200% of the poverty line. The agency shall determine the amount of income available to the group in accordance with s. DCF 101.09 (3) (b), except any of the following grants received in the month of the emergency is not counted:

SECTION 12. DCF 120.07 (1) (a) of the administrative code is repealed and recreated to read:

DCF 120.07 (1) (a) The maximum amount published in the Wisconsin administrative register pursuant to s. 49.138 (1m) (intro.), Stats.

SECTION 13. DCF 120.08 (6) of the administrative code is amended to read:

DCF 120.08 (6) Emergency assistance may be provided to an emergency assistance group once in a ~~12-month~~ 6-month period.

(END)