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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**Contact:** Abby Gorzlancyk, Staff Attorney

**2023 Assembly Bill 689**

**Assembly Amendment 1**

### 2023 ASSEMBLY BILL 689

2023 Assembly Bill 689 has three parts: pay-for-performance grant requirements, the use of public lands as structured camping facilities, and creating criminal penalties relating to unauthorized camping and structured camping facilities.

First, the bill requires that when the Department of Administration (DOA) grants certain awards,<sup>1</sup> it must withhold between 10 and 50 percent of the eligible amounts for at least six months. After the six-month period has expired, DOA may pay the amount withheld only if the grant recipient demonstrates that it has met one or more of the following criteria:

- The grant recipient increased the number of homeless individuals and families securing permanent housing after participation in offered programs compared to the base year;
- The grant recipient increased the number of homeless individuals securing employment after participation in offered programs compared to the base year; and
- The grant recipient reduced the number of homeless individuals and families returning to homelessness after participation in offered programs compared to the base year.

The bill requires that, to the extent possible, DOA must give priority to grant recipients who have made demonstrable improvements regarding the performance criteria.

Second, the bill allows DOA to designate public property<sup>2</sup> for use as a structured camping facility. A political subdivision may also designate its own public property as a structured camping facility and it must alert DOA of their designation. DOA may not designate public property of a political subdivision as a structured camping facility unless: (1) the political subdivision consents or a resident petitions the political subdivision; (2) it fails to designate its public property as a structured camping facility; and (3) its homeless population is above the per capita statewide average for political subdivisions in the preceding two statewide counts.

The bill creates certain responsibilities for DOA regarding the operation of structured camping facilities. The bill allows DOA to assign homeless families or individuals a specific location at a structured camping facility and to allow camping equipment and other personal items. DOA must condition temporary residence at a structured camping facility on the completion of mental health or substance use evaluations. The bill also requires DOA to provide for public safety, potable water, and adequate sanitary facilities at each structured camping facility.

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<sup>1</sup> The grants referenced in the bill that would be subject to the pay-for-performance withholding are housing grants [s. 16.306, Stats.], grants to alleviate homelessness [s. 16.307, Stats.], grants for the provision of shelter for homeless individuals and families [s. 16.308, Stats.], and homeless case management service grants. [s. 16.3085, Stats.].

<sup>2</sup> The bill defines “public property” as any real property, other than county fairgrounds and public parks, which is owned, leased, or occupied by a state agency or a political subdivision.

Third, the bill creates two criminal penalties. First, under the bill, a person who sets up temporary habitation on public property that is not designated as a recreational camping area or structured camping facility unless the temporary habitation is consistent with the normal, customary, or temporary designated use of the property is guilty of a Class C misdemeanor. The bill creates an exception from this prohibition if the person has no reasonable other options for obtaining shelter or the person has been or would be denied admission at a homeless shelter due to capacity. Second, under the bill, a person who does not comply with DOA instructions or conditions at a structured camping facility is guilty of a Class C misdemeanor.

## **ASSEMBLY AMENDMENT 1**

The amendment makes three main changes to the bill. First, the amendment specifies that the pay-for-performance withholding requirements in the bill apply to the second eligible grant the grant recipient is awarded after the effective date of the bill. Second, the amendment allows DOA to reallocate money that was withheld and not paid due to the recipient not meeting performance objectives to another grant recipient that has met one or more performance objectives in the bill. Third, the amendment changes the penalty for setting up temporary habitation on public property where camping is not allowed, to specify that a person is guilty of a Class C misdemeanor for second or subsequent violations. For a first violation, a person must be given notice that subsequent violations will result in a penalty, but cannot be subject to a penalty.

## **BILL HISTORY**

Assembly Amendment 1 was offered by Representative Dallman on January 23, 2024. On January 24, 2024, the Assembly Committee on Housing and Real Estate recommended adoption of the amendment and passage of the bill, as amended, on consecutive votes of Ayes, 8; Noes, 7.

For a full history of the bill, visit the Legislature's [bill history page](#).

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