



2015 ASSEMBLY BILL 708

January 13, 2016 - Introduced by Representatives TITTL, BILLINGS, BROSTOFF, KOLSTE, PETRYK, ROHRKASTE, SANFELIPPO, VANDERMEER and STUCK, cosponsored by Senator HARRIS DODD. Referred to Committee on Health.

1 AN ACT *to amend* 46.03 (22) (a) and 46.48 (31); and *to create* 46.482 of the
2 statutes; **relating to:** zoning for peer-run respite centers.

Analysis by the Legislative Reference Bureau

This bill creates a zoning exemption for peer-run respite centers. Under current law, certain community living arrangements for adults obtain special zoning permission. The bill includes peer-run respite centers as a community living arrangement for adults for zoning exemption purposes. For purposes of a zoning exemption, the peer-run respite center must do one of the following: 1) meet certain criteria as specified in the bill; 2) submit a letter of verification from the Department of Health Services (DHS) that the peer-run respite center meets the specified criteria; or 3) provide the zoning authority with documentation that the peer-run respite center receives a grant from DHS.

For further information see the *state and local* 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:

3 SECTION 1. 46.03 (22) (a) of the statutes is amended to read:

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1 46.03 **(22)** (a) In this subsection, “community living arrangement for adults”
2 means a community-based residential facility, as defined in s. 50.01 (1g), or a
3 peer-run respite center described under s. 46.482 (2).

4 **SECTION 2.** 46.48 (31) of the statutes is amended to read:

5 46.48 **(31)** ~~PEER-RUN~~ PEER-RUN RESPITE CENTERS. The department may
6 distribute not more than \$1,200,000 in each fiscal year, beginning in fiscal year
7 2014-15, to regional ~~peer-run~~ peer-run respite centers for individuals with mental
8 health and substance abuse concerns. The department shall create and distribute
9 to peer-run respite centers that receive a grant under this subsection documentation
10 of proof for purposes of obtaining a zoning exemption that the peer-run respite
11 center received a grant under this subsection.

12 **SECTION 3.** 46.482 of the statutes is created to read:

13 **46.482 Peer-run respite centers. (1) LETTER OF VERIFICATION.** (a) Subject
14 to par. (b), the department shall issue to peer-run respite centers that request a
15 letter of verification and that meet all of the following criteria a letter of verification
16 for zoning purposes:

17 1. The peer-run respite center admits individuals who are in need of peer
18 support and supportive services while addressing an increase in symptoms or
19 stressors or an exacerbation of their mental health or substance abuse conditions.

20 2. The peer-run respite center admits individuals to reside at the center on a
21 short-term basis.

22 3. The peer-run respite center is operated by an incorporated public
23 organization or a nonprofit organization that is community-based and
24 consumer-directed and that has a board with a majority of members who are
25 consumers with mental health or substance abuse conditions.

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1 4. The peer-run respite center is staffed by individuals who have personal
2 experience with mental health or substance abuse conditions and who are trained
3 in peer support.

4 5. The peer-run respite center is comprised of at least 3 but no more than 6 beds
5 in private rooms.

6 6. The peer-run respite center does not provide clinical services and does not
7 receive clinical supervision.

8 (b) 1. In response to a request from a peer-run respite center for a letter of
9 verification, the department shall reply within 30 working days of the request by
10 either sending a letter of verification under par. (a) or sending a letter stating that
11 the requestor does not meet the criteria under par. (a).

12 2. The department shall ensure that any person who reviews a request for a
13 letter of verification under par. (a) is familiar with and knowledgeable about
14 peer-run respite centers.

15 3. The department may not consider any factors other than those under par.
16 (a) when issuing a letter of verification under this subsection.

17 (c) Nothing in this section confers authority on the department to regulate
18 peer-run respite centers.

19 **(2) ZONING EXEMPTION.** For purposes of obtaining a zoning exemption under ss.
20 46.03 (22) and 59.69 (15), a peer-run respite center shall meet any of the following
21 criteria:

22 (a) The peer-run respite center is operated by an organization that received a
23 grant under s. 46.48 (31) and that provides the zoning authority with the
24 documentation of proof described under s. 46.48 (31).

