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Testimony on Assembly Bill 182

Vice-Chair Bodden and members of the Committee, thank you for the opportunity to testify on Assembly Bill 182, which addresses the need for housing to achieve and keep gainful employment.

Temporary emergency shelter is not sufficient for an employee to be rested, clean, dressed appropriately, and without baggage to report for work on time every day. Stable, affordable housing is hard to find, especially for a person coming back from prison. Often, they are disqualified from Section 8 low-income housing. With many applicants for an apartment or house, the landlord may hesitate to accept the application of a person with a criminal history due to worries about liability for criminal actions or property damage. The committee proposed this bill to address these concerns.

The first thing that the bill will require is for the Department of Corrections to develop a rental readiness program as part of its programming for reentry. Inmates who complete this program successfully will receive a certificate of rental readiness.

This certificate of rental readiness will have two benefits for the property owner. First, the landlord will be immune from civil liability arising from the actions of the tenant. In addition, the Wisconsin Housing and Economic Development Authority will be authorized to develop a bond program to pay for any damage or repairs to the property.

This program only applies to properties that are approved by the Department of Health Services and is limited to 12 months within the first 24 months of release. By then, the tenant will have had the opportunity to establish a positive rental history.

The bill does not provide funding for that bond, so that issue must be addressed in a separate bill or in the next budget.

Thank you for your consideration of this bill I will be glad to answer any questions you might have.



MARY FELZKOWSKI

STATE SENATOR • 12TH SENATE DISTRICT

Testimony for AB 182

Senator Mary Felzkowski

Committee on Corrections

October 3, 2023

Good afternoon Chairman Schraa and Committee Members,

Thank you for the opportunity to testify on Assembly Bill 182, which will require the Department of Corrections to include training on rental readiness in its prerelease reentry programming.

Last session, a joint legislative study committee was formed with the purpose of reviewing impediments to employment and job training for individuals who are incarcerated or recently released. Through the exploration into this topic by the members of this committee, several paths to increasing offender employment opportunities were brought to light. One of the largest concerns that was brought to the attention of the committee is the difficulty for recently released individuals to find housing, which is a vital first step in reintegration after incarceration. Testimony from several landlords provided an explanation – many are worried that they could be liable if residents are harmed or damage to property occurs. This bill was designed to create protections for these landlords, as well as offer an opportunity for the recently released to learn how to be good tenants.

DOC offers reentry programming to assist individuals who are leaving confinement in a DOC facility and entering into a period of supervision in the community. This reentry assistance programming often includes training and education, an assessment of needs, and a plan for successful reentry into the community. This bill will establish an additional program offered by DOC that will be available, with the purpose of teaching rental readiness to offenders. At the end of this program, which can receive consultation from WHEDA, city or county landlord-tenant training agencies, or other interested organizations or agencies, a soon-to-be-released offender will receive certification that they passed the course.

To go along with this program, immunity from civil liability will be provided to landowners who rent to certified persons, in certain instances when harm or damage occurs due to a certified individual's intentional acts or omissions. One final aspect of this legislation will allow WHEDA to establish a bonding program for the purpose of covering damages that occur within a limited time, caused by individuals who have been issued a certification of rental readiness. The two-pronged approach of this bill, to both prepare offenders for becoming rental tenants, and to protect landlords from certain liabilities, will hopefully be another step in the right direction toward increasing offender employment opportunities.

I am grateful to the vice-chair of the joint study committee, Rep. Schraa, for his work on this legislation, as well as the effort and input provided by Leg. Council and our fellow committee members. Thank you for your time today, and thank you for your consideration of this bill.



WISCONSIN STATE REPRESENTATIVE

Shelia Stubbs

77TH ASSEMBLY DISTRICT

October 2, 2023
Assembly Bill 182
Assembly Committee on Corrections

Chairman Representative Michael Schraa and Assembly Committee on
Corrections Members,

Thank you for the opportunity to testify in support of AB 182 relating to: a certification of rental readiness and funding to cover damages caused by certification of rental readiness holders.

I wish to voice my support for this bill because of the great potential it has to provide Persons in Our Care (PIOC) with preparation for renting housing and provide them greater access to housing once they leave prison. One of the greatest barriers facing incarcerated people rejoining society is a lack of housing. If we have any intention of reducing recidivism and improving offender outcomes after incarceration, we must take the necessary steps to ensure PIOC have access to secure housing and social supports when they re-enter the community.

This bill, as prepared for the Joint Legislative Council Study Committee on Increasing Offender Employment Opportunities, would require the Department of Corrections (DOC) to include training on rental readiness in its prerelease reentry programming and to issue a certification of rental readiness to individuals who successfully complete the training. It would also authorize the Wisconsin Housing and Economic Development Administration (WHEDA) to fund repairs for potential physical damage caused by a readiness certification recipient before that person begins leasing a property. Additionally, this bill would also grant immunity from civil liability to a landlord who decides to rent to a person certified under the program should that person cause certain injuries by act or omission.

This bill is not perfect in its current form; it requires an amendment in order to properly supply WHEDA with the necessary revenue streams to fund potential housing repairs. However, with the proper amendments, this bill has the ability to bridge the gap between incarceration and stable housing in the community for many PIOC.

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Thank you so much for your time and your attention to this matter. I also hope that this testimony has emphasized the importance of AB 182 in both providing housing security to formerly incarcerated people and providing support and peace of mind to landlords agreeing to rent to them. With the acknowledgement that this will strengthen our communities and reduce the risk of re-offense, I implore you to vote yes for an amended version of AB 182. As Dr. Jocelynn Rainey, the President of the nonprofit Getting Out and Staying Out, once declared, "It is time for serious measures to prevent housing discrimination and provide affordable, stable housing so the formerly incarcerated can turn their lives around."

Thank you to my colleagues in the Joint Legislative Council for introducing this bill as well as my fellow members on the Committee on Corrections including Chairman Representative Michael Schraa.

October 3, 2023

Assembly Committee on Corrections Hearing on Assembly Bill 182

Good morning, Chairman Schraa, Vice Chairman Bodden, and members of the Assembly Committee on Corrections.

My name is Samantha Linden, and I am the Legislative Liaison for the Wisconsin Housing and Economic Development Authority. Here with me today is Sherry Gerondale, WHEDA's Chief Financial Officer. Thank you for the opportunity to be here to testify on Assembly Bill 182 (AB182), the creation of a certification of rental readiness from the Joint Legislative Council Study Committee on Increasing Offender Employment Opportunities.

At WHEDA, our mission is to help Wisconsin thrive by expanding access to affordable housing choices. We use our housing loan programs and expertise to improve access to affordable housing options and expand economic prosperity for everyone in Wisconsin. We work collaboratively with others and leverage our collective resources to expand equitable and sustainable housing where people want to live, work, raise a family, and thrive.

To those ends, we support the goals of AB 182 – to increase the rental readiness of formerly incarcerated individuals and to reduce financial risks for landlords who may be hesitant to rent to this vulnerable population.

AB182 authorizes the Department of Corrections to consult with WHEDA and others on the development of criteria for successful completion of the training on rental readiness. The bill also authorizes WHEDA to administer a bond program to fund repairs for physical damage to rental property caused by a certification holder.

WHEDA supports the goals of housing formerly incarcerated individuals and thanks the Study Committee for their inclusion of this certification of rental readiness in their recommendations. However, the legislation does not include an obligated party to repay the bonds issued for damages and does not include repayment terms. Without these, there is no source of funds for bond repayment, making a bond program not viable.

The bill also tasks WHEDA with prioritizing funding for “certification holders who have the most difficulty securing housing because of their prior convictions.” (Page 3, Lines 7-9) WHEDA does not have a current system for making that determination and would have to rely solely on the Department of Corrections to make those determinations.

Given those two items, WHEDA recommends finding a different funding source so the Department of Corrections can administer the program.

Thank you for your time and attention, Committee members and Chairman Schraa. We would be happy to answer any questions you may have at this time.

Contact: Samantha Linden, Legislative Liaison, Samantha.linden@wheda.com



WHEDA

Tony Evers, Governor | Elmer Moore, Jr., CEO

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October 3, 2023

Chairman Schraa and members of the Assembly Committee on Corrections,

I had the honor to serve on the 2022 Joint Legislative Council Study Committee on Increasing Offender Employment Opportunities. Thank you to Chair Felzkowski, Vice-Chair Schraa, as well as fellow legislative members Senator Taylor and Representatives Stubbs and Petryk. As always, the Committee also benefited from the experiences, perspectives, and service of the non-legislative members.

The Committee took on an ambitious task. The re-entry landscape is complicated and the needs of the individuals returning from our care are diverse and many. We learned about a huge variety of policy solutions, their efficacy, and how Wisconsinites would benefit from them. One of the hardest tasks was to focus on just a few ideas. At times I worried the effort would not result in draft legislation simply because there's so much to do its difficult to know where to start.

The four bills in Committee today, Assembly Bills 180-183, represent just that – a strong start in improving opportunity and employability for individuals returning from our care.

Assembly Bill 180 is the most straight forward. We heard from employers on the Committee how beneficial it would be to create a place to seek information and guidance on hiring returning individuals. Under the bill, the Department of Workforce Development must create a hotline for employers to find information regarding the hiring of individuals with a criminal conviction.

Assembly Bill 181 expands an existing program called the Earned Release Program (ERP). ERP has existed for decades, but is limited by state law to individuals determined to have a substance use disorder. Only individuals with non-violent convictions are eligible and the ERP program requires the sentencing court to determine that the individual has a substance use need. The court may, after completion of the substance use treatment, reduce the in-custody portion of the individual's sentence. The amount of confinement time reduced is then added to the individual's community supervision.

The bill would retain all of current law's procedure and eligibility, but add the completion of an "employment readiness training program" for the court's consideration to reduce the individual's confinement time. An additional provision was added that would require individuals in custody to serve no less than two-thirds of their confinement time prior to being released. Like ERP, any reduction in confinement time would be added to community supervision.



At least 19 states have similar laws expressly allowing a reduction of confinement time for successful completion of education/vocation training. To ensure the new law is implemented and works as intended, the bill also requires public reports, filed with the Legislature, documenting the recidivism rates of participants.

Assembly Bill 182 needs the greatest amount of work of the four being heard today. Presentations to the Study Committee routinely pointed to the need for additional housing options for individuals as they return. Housing is obviously a top priority for returning individuals and unstable housing often leads to reduced success in all of the other areas needed to be successful, stable, sober, etc. While Assembly Bill 182 will need changes, it begins an important conversation about housing for this specific population and their specific needs and challenges.

Assembly Bill 183 would begin to rethink the service delivery model in re-entry. By helping create a single place for individuals to turn to for re-entry services and support, program enrollment and delivery will be more efficient and effective. The bill requires partnerships with nonprofits working with the re-entry population and lists the areas of treatment or services imagined all under one roof.

One major, positive impact not found within the four corners of the bill is the collaboration that will naturally occur by breaking down silos within the re-entry service landscape. First, organizations will hone best practices and working in proximity will lead to better collaboration and a holistic approach to addressing individuals presenting with multiple re-entry needs. Second, by assuming a support role rather than the project lead, the facility will be less government-building and more community space, offering a more therapeutic and recovery focused environment. Last, the new space will likely foster stronger peer to peer mentorship opportunities. Returning individuals often best relate to people that understand the unique experiences of serving time in prison.

Assembly Bill 183 also includes a strong data collection and reporting requirement to ensure the model works and serves as proof of concept should the outcomes warrant expansion beyond the one initial site.

Thank you for the opportunity to testify in favor of these bills and support the hard work of the 2022 Joint Legislative Council Study Committee on Increasing Offender Employment Opportunities.



WISCONSIN CATHOLIC CONFERENCE

TO: Representative Michael Schraa, Chair
Members, Assembly Committee on Corrections

FROM: Tia Izzia, Associate Director for Human Life & Social Concerns

DATE: October 3, 2023

RE: Support for Assembly Bills 180, 181, 182, and 183

The Wisconsin Catholic Conference (WCC), the public policy voice of the Catholic bishops of Wisconsin, urges you to support Assembly Bills 180, 181, 182, and 183, which offer needed opportunities to individuals who are exiting incarceration. We thank all the members of the Study Committee on Increasing Offender Employment Opportunities for helping to bring these bills forward.

Others here before the committee today will speak eloquently to how each of these bills individually will help build employment, housing, and other supports for people who were formerly incarcerated. What the WCC would like to speak to is the paramount importance of reintegrating those involved with the criminal justice system back into our communities.

In 1998, Wisconsin's Catholic bishops convened a 15-member Task Force on Corrections to review the state's criminal justice system. The Task Force included a formerly incarcerated person, several crime victims, a former Supreme Court Justice, the director of a community program that helps place offenders in jobs and housing, an assistant district attorney for Milwaukee County, a prison chaplain, a retired county sheriff, a former probation officer, and priests who ministered to both the incarcerated and to victims. The Task Force heard testimony from Department of Corrections officials, prison inmates, victims of crime, theologians, and advocates for judicial and prison reform.

With the findings of the Task Force, the bishops then published *Public Safety, the Common Good, and the Church: A Statement on Crime and Punishment in Wisconsin*. Their statement called for a statewide evaluation of criminal justice policies to determine how they convey respect for the human person, serve the common good, exercise an option for the poor and marginalized, serve the end of restoration, and foster the principle of solidarity among all in the community. As they stated: "Policies must be assessed in terms of their capacity to assure that offenders will live a productive and peaceful life in the community to which they return."¹ Nearly 25 years after this report was published, and after countless secular efforts to improve our criminal justice system, much remains to be done. All too often, men and women are released from jails and prisons with little, if anything, to their name, and without a healthy community to call home.

Those who are re-entering our communities after incarceration deserve the opportunity to rebuild their lives. Many are eager to work, but face substantial barriers. In the words of Pope Francis: "Many times, once released from prison, the person has to deal with a world that is foreign to him, and which also

does not recognize him as worthy of trust, even going so far as to exclude him from the possibility of working to obtain a decent livelihood. Preventing people from recovering the full exercise of their dignity, these people remain once again exposed to the dangers that accompany a lack of opportunities for development, amidst violence and insecurity.”² We can and must choose a better path.

While more must be done, these four bills will make reentry in Wisconsin more humane and individuals more successful. The bills demonstrate what can be accomplished through careful deliberation, stakeholder involvement, and bipartisan cooperation. We thank you for hearing these bills today and respectfully urge you to pass them.

¹ *Public Safety, the Common Good, and the Church: A Statement on Crime and Punishment in Wisconsin by Wisconsin’s Roman Catholic Bishops*. Wisconsin Catholic Conference, 1999.

² *Pope Francis Speech to the International Meeting for Regional and National Managers of Prison Pastoral Care*. November 8, 2019. https://www.vatican.va/content/francesco/it/speeches/2019/november/documents/papa-francesco_20191108_pastorale-carceraria.html.



WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

To: Chairman Schraa, Assembly Committee on Corrections

From: Anna Neal, Legislative Advisor, Wisconsin Department of Corrections

Date: October 3, 2023

RE: Information Only

- *Assembly Bill 180 Relating to: establishing a hotline for employers interested in hiring individuals with a conviction record.*
 - *Assembly Bill 181 Relating to: earned release for inmates upon the completion of an employment readiness training program and granting rule-making authority.*
 - *Assembly Bill 182 Relating to: a certification of rental readiness and funding to cover damages caused by certification of rental readiness holders.*
 - *Assembly Bill 183 Relating to: establishing and operating community reentry centers and making an appropriation*
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The Department of Corrections (DOC) has been a vocal advocate for increasing resources and programs to assist the Persons in our Care with finding and maintaining meaningful employment. The Legislative Council Study Committee on Increasing Offender Employment Opportunities sought out creative solutions to assist the agency in meeting their goals. DOC believes the committee's thoughtful attention and recognition of the barriers in place for justice involved individuals, have assisted in drafting a series of thoughtful bills for consideration.

As our agency continues to use evidenced-based decision making to implement programs and practices, we appreciate the committees such as these, who work alongside us to find bipartisan solutions. DOC supports the overall goals within these bills, and is grateful to the study committee for seeking out information from our agency to identify the needs of the population, and learn more about our business process.

We look forward to working with members of the legislature on any revisions that may be needed, and with our partner agencies anywhere our work may intersect.