

1 **Sub No. ____ to 2014 OA-047 (PROPOSED-WEGLEITNER)**

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3 **AMENDING CHAPTER 30 OF THE DANE COUNTY CODE OF ORDINANCES,**
4 **REGARDING CONTRACTS FOR EMERGENCY SHELTER SERVICES**

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6 The County Board of Supervisors of the County of Dane does ordain as follows:

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8 **ARTICLE 1.** Unless otherwise expressly stated herein, all references to section
9 and chapter numbers are to those of the Dane County Code of Ordinances.

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11 **ARTICLE 2.** Section 30.04 is created to read as follows:

12 **30.04 CONTRACTS FOR EMERGENCY SHELTER AND DAY RESOURCE**
13 **CENTER SERVICES.**

14 **(1) PURPOSE.** Every contract entered into by the County for the provision of
15 emergency shelter or day resource center services for the homeless shall include
16 the minimum standards regarding the rights and responsibilities of guests as set
17 forth in this section, which shall be incorporated into every contract entered into
18 or renewed after the effective date of this ordinance.

19 **(2) Admission Policy. (a)** Providers shall have written admissions policy which
20 includes admission criteria and procedures.

21 **(b)** Decisions to deny services for more than 24 hours shall be based upon the
22 prospective guests behavior, and shall not be based solely upon alcohol or drug
23 use.

24 **(3) Rules and Discipline. (a)** Posting. All rules will be posted in a conspicuous
25 place near the shelter entrance and on the shelter provider's website.

26 **(b)** Guests shall be offered a written copy of the rules at least annually, and shall
27 be required to acknowledge offer of receipt of said rules in writing.

28 **(c)** Adverse action may only be based upon violation of properly posted rules.

29 **(4) Reinstatement. (a)** A person who is denied services may apply for
30 reinstatement by the shelter provider.

31 **(b)** A person shall be reinstated with services if space is available, if the person
32 provides sufficient evidence that the grounds for denial of services have been
33 cured. Such evidence may include medication or treatment, education, and
34 personal and professional references.

35 **(c)** Adverse reinstatement decisions are subject to the grievance procedure set
36 forth in sub (5).

37 **(d)** This section shall not be construed to limit a shelter provider's discretion to
38 reinstate shelter services to a person at any time without a formal application.

39 **(5) Grievance Process.** Every County funded service provider subject to this
40 ordinance shall include the following grievance process in their shelter rules and
41 procedure.

42 **(a)** Within two (2) business days of any adverse action denying services for
43 more than 24 hours, including denials of extensions, the provider shall issue a
44 written notice which shall be available for pick-up by the affected person at the
45 shelter during regular intake hours and which shall be provided by mail, fax or
46 email upon request. The provider may require the affected person to pick up the

47 decision at a location other than the facility from which the affected person has
48 been denied if necessary to protect the safety of other guests of the facility, but
49 the provider must provide a written notice at the time of denial of services
50 indicating the location where the written notice will be made available and the
51 affected person's right to have the notice mailed, faxed or emailed to a location of
52 their choice upon request. If the provider has contact information on file for the
53 affected person it shall attempt to send the notice to the address(es) on file.

54 (b) The written notice required by sub (a) shall include: 1. The reason(s) for the
55 adverse action, including a designation of the shelter rule(s) violated;
56 2. a statement of the facts supporting the adverse action;
57 3. Identification of all sources of information relied upon, except the name of a
58 witness may be redacted from documentation to be provided to the grievant;
59 4. Instructions on how to file a grievance hearing request;
60 5. A copy of the Shelter Rules and Grievance Process.
61 6. Contact information for the Dane County Department of Human Services'
62 Ombudsman.

63 (c) The grievant shall have a right to review all adverse information and
64 evidence. The shelter provider shall make such information reasonably available
65 within two (2) business days of grievant's request. The shelter shall provide
66 copies of all written evidence requested by the grievant at no cost to the grievant.

67 (d) After exhausting the shelter provider's review process, the grievant may
68 request a hearing for all denials lasting more than five (5) days, not including
69 extensions. The grievant must make the request in writing within 30 days of the
70 notice of the adverse decision. A hearing shall be held within five (5) days of the
71 date of the request for hearing unless the grievant agrees to a longer time period
72 in writing.

73 (e) The grievant shall have a right to be represented at the grievance hearing by
74 an attorney or other personal representative.

75 (f) The grievant shall have the right to present evidence and to call and examine
76 witnesses and cross-examine shelter witnesses during the grievance hearing.
77 Privileges set forth in Chapter 905 of the Wisconsin Statutes shall be recognized,
78 including, but not limited to those available to social workers and domestic
79 violence and sexual assault advocates.

80 (g) The hearing officer shall be impartial and shall not have participated in any
81 way in the adverse decision being grieved. Ex parte communications are
82 prohibited.

83 (h) The grievance decision shall be based upon substantial evidence presented
84 at the hearing. Substantial evidence is that quantity and quality of evidence
85 which a reasonable person could accept as adequate to support a conclusion,
86 but a factual finding may not be based solely upon uncorroborated hearsay.

87 (i) The proceedings of the hearing shall be recorded electronically if requested
88 by either party.

89 (j) The decision shall be in writing and sent to the contact information provided
90 by the grievant and made available for pick up at the shelter's office within 72
91 hours of the hearing. The decision shall inform the grievant of the applicable

92 rule or policy violated and be based upon evidence upon which the decision was
93 based.

94 **(6) Compliance Data Collection and Periodic Review.**

95 **(a) Shelter providers shall maintain records necessary for the county to monitor**
96 **compliance, including:**

- 97 **1. all requests for reinstatement;**
- 98 **2. all notices denying shelter services;**
- 99 **3. all notices denying reinstatement;**
- 100 **4. all requests for grievance hearings;**
- 101 **5. all hearing decisions.**

102 **(b) The shelter shall provide compliance records to the county contract**
103 **administrator on a semi-annual basis for preparation of a semi-annual**
104 **compliance monitoring report to the Homeless Issues Committee. Names of**
105 **shelter applicants and participants shall be redacted from records submitted to**
106 **the county, but shall be retained on file by the shelter provider for a period of six**
107 **(6) years.**

108 **(7) Enforcement. (a) Any person may file a complaint alleging a shelter**
109 **contractor's violation of this section. All complaints shall be filed with the**
110 **homeless services manager.**

111 **(b) The homeless services manager shall investigate and determine whether**
112 **there has been a violation of this section and provide copies of a proposed**
113 **decision to the complainant and the contractor. If a violation is found, the**
114 **proposed decision may include any of the following: termination, suspension or**
115 **cancellation of the contract.**

116 **(c) Any person affected by the proposed decision may, no later than 30 days**
117 **after issuance of the proposed decision, appeal the decision to the county's**
118 **contract compliance officer by serving a notice of appeal on the contract**
119 **compliance officer. If no appeal is taken within the time allotted, the proposed**
120 **decision shall become final.**

121 **(d) Upon the filing of an appeal, the contract compliance officer shall on notice,**
122 **take testimony, receive evidence, allow the parties to call witnesses, allow cross-**
123 **examination and issue a final decision. The contract compliance officer shall not**
124 **be bound by common law or statutory rules of evidence, but shall admit all**
125 **testimony having reasonable probative value, excluding that which is immaterial,**
126 **irrelevant or unduly repetitious. The contract compliance officer shall give effect**
127 **to the rules of privilege recognized by law. Basic principles of relevancy,**
128 **materiality and probative force, as recognized in equitable proceedings, shall**
129 **govern the proof of all questions of fact. The contract compliance officer may**
130 **take official notice of any generally recognized fact or established technical or**
131 **scientific fact, but parties shall be notified either before or during hearing or by full**
132 **reference in preliminary reports, or otherwise, of the facts so noticed, and the**
133 **parties shall be afforded an opportunity to contest the validity of the official**
134 **notice.**

135 **(e) The contract compliance officer's final decision may include termination,**
136 **suspension or cancellation of the contract in whole or in part, and debarment.**

137 (f) The County may not award a contract to a shelter provider who has been
138 debarred unless at least 3 years have elapsed from the date of debarment,
139 unless a shorter time of debarment is specified in the contract compliance
140 officer's final decision.

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[EXPLANATION: This amendment creates minimum standards for county funded shelters and day resource centers and guests regarding rights and responsibilities, and requires these standards be included in all county contracts for shelter services.]