

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

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

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

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

30.04 CONTRACTS FOR EMERGENCY SHELTER AND DAY RESOURCE CENTER SERVICES.

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

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

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

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

(b) Participants shall be ~~provided~~ offered a written copy of the rules at least annually, and shall be required to acknowledge receipt of said rules in writing.

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

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

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

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

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

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

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

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

(b) The written notice required by sub (a) shall include:

1. The reason(s) for the adverse action, including a designation of the shelter rule(s) violated;
2. a statement of the facts supporting the adverse action;
3. Identification of all sources of information relied upon;
4. Instructions on how to file a grievance hearing request;
5. A copy of the Shelter Rules and Grievance Process.

The name of a witness may be redacted from documentation to be provided to the grievant if the witness was the victim of violent criminal activity or threatened criminal activity.

(c) The grievant shall have a right to review all adverse information and evidence. The shelter provider shall make such information reasonably available within two (2) business days of grievant's request. The shelter shall provide copies of all written evidence requested by the grievant at no cost to the grievant. The name of a witness may be redacted from documentation to be provided to the grievant if the witness was the victim of violent criminal activity or threatened criminal activity.

(d) After exhausting the shelter provider's grievance process, the grievant may request a hearing in writing for all denials of service lasting more than five (5) days, not including extensions. The grievant must make the request in writing within 30 days of the notice of the adverse decision. Such request shall be by written notice to the shelter provider. A hearing shall be held within three (3) five (5) business days of the date of the request unless the grievant agrees to a longer time period in writing.

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

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

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

(h) The grievance decision shall be based upon a preponderance of the credible evidence presented at the hearing, and may not be based solely upon hearsay evidence.

(i) The proceedings of the hearing shall be recorded electronically if requested by either party. The requesting party is responsible for the cost to record.

(j) The decision shall be in writing and sent to the contact information provided by the grievant and made available for pick up at the shelter's office within 72 hours of the hearing. The decision shall inform the grievant of the applicable rule or policy violated and be based upon evidence upon which the decision was based, and advise the grievant as to the right and process for filing an appeal to the Shelter Grievance Panel by filing a notice of appeal with the County Homeless Services Contract Administrator.

(6) Compliance Data Collection and Periodic Review.

(a) Shelter providers shall maintain records necessary for the county to monitor compliance, including: (i) all requests for reinstatement; (ii) all notices denying shelter services; (iii) all notices denying reinstatement; (iv) all requests for grievance hearings; (v) all hearing decisions.

(b) The shelter shall provide compliance records to the county contract administrator on a semi-annual basis for preparation of a semi-annual compliance monitoring report to the Homeless Issues Committee. Names of shelter applicants and participants shall be redacted from records submitted to the county, but shall be retained on file by the shelter provider for a period of **three (3)** years.

(7) Enforcement. (a) Any person may file a complaint alleging a shelter contractor's violation of this section. All complaints shall be filed with the contract compliance officer.

(b) The contract compliance officer shall investigate and determine whether there has been a violation of this section and provide copies of a proposed decision to the complainant and the contractor. If a violation is found, the proposed decision may include any of the following: termination, suspension or cancellation of the contract.

(c) Any person affected by the proposed decision may, no later than 30 days after issuance of the proposed decision, appeal the decision to the Homeless Issues Committee by serving a notice of appeal on the county clerk. If no appeal is taken within the time allotted, the proposed decision shall become final.

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

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

(8) Nothing in this ordinance shall limit the grievance and appeal rights and remedies of shelter applicants and participants under any other statute, regulation, ordinance or policy.

[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.]
