

**BODY – LEGISTAR #43447**

DRAFTER'S ANALYSIS: Individuals with mental illness or substance use concerns often struggle to find care during crisis situations other than emergency or hospital inpatient services. This is due, in part, to the lack of mental health services in the state, county and city.

Recently, other states started using peer run respite facilities to provide short-term lodging, peer support and non-medical services for individuals living with mental health or substance use concerns. At peer run respite facilities, individuals receive respite from situations or surroundings that may lead to relapse or crisis and support from peers who have had similar experiences.

In 2013-2015, the state legislature appropriated funding for three regional peer run respite facilities. The City of Madison zoning code currently does not allow peer run respite facilities (or any similar use) in residential districts.

This amendment creates a new use, Peer Run Respite Facility, provides supplemental regulations for the use, and allows Peer Run Respite Facilities as a permitted use in all residential districts and NMX, TSS, CCT and LMX.

Key supplemental regulations include:

1. A Peer Run Respite Facility may only be operated by a non-profit organization or religious institution.
2. Services are available only to adults aged 18 or older.
3. The maximum number of guests at a facility must be equal to the number of bedrooms available or 5, whichever is less.
4. No single guest can stay at the same facility for more than 5 consecutive days.
5. No single guest can have more than 3 separate stays at the same facility per calendar year.
6. The use must be staffed at all times.
7. 75% of staff members must hold a valid Wisconsin Peer Certified Specialist certificate.
8. The owner must submit a management plan and staffing plan and collaborate with the Madison Police Department regarding names and responsibilities of staff.
9. No peer run respite facility may be located within one thousand five hundred (1,500) feet of another peer run respite facility.

In addition to these regulations, the Wisconsin Department of Health Services, Division of Mental Health and Substance Abuse Services, provides oversight of respite facilities that receive state funding.

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The Common Council of the City of Madison do hereby ordain as follows:

1. Section 28.211 entitled "Definitions" of the Madison General Ordinances is amended by creating therein the following:

"Peer Run Respite Facility. A facility operated by a religious institution or non-profit organization which offers short-term lodging, peer support and non-medical services for individuals living with mental health or substance use concerns."

2. Section 28.151 entitled "Applicability" of the Madison General Ordinances is amended by creating therein the following:

"Peer Run Respite Facility.

- (a) The use shall be operated by a religious institution or non-profit organization.
- (b) The use shall be available to adults 18 years or older who are living with mental health or substance use concerns.

- (c) The structure being used for the Peer Run Respite Facility must at all times meet the definition of a dwelling contained in Sec. 28.211 of the Madison General Ordinances.
- (d) At least seventy-five percent (75%) of staff at the facility shall hold a valid certificate as a Wisconsin Peer Certified Specialist.
- (e) The owner shall submit a Management Plan for the facility:
  - 1. Required management plan contents:
    - i. Floor plan showing sleeping areas, emergency exits and bathrooms.
    - ii. Staffing plan showing that at least one staff member will be on-site and awake at all times (24/7/365).
    - iii. Administration plan showing specific procedures used by staff for accepting guests for respite services.
    - iv. Emergency plan outlining staff response to crisis situations.
  - 2. Recommended management plan contents: parking, storage of belongings, trash storage/removal, transportation support.
- (f) The maximum number of guests receiving respite at any single time shall be equal to the number of bedrooms available in the facility or five (5), whichever is less.
- (g) The maximum length of a single stay for guests receiving respite shall not exceed 5 consecutive days.
- (h) Guests may use respite care for no more than three (3) separate stays per calendar year.
- (i) An appropriate transition area between the use and adjacent property may be required, using landscaping, screening and other site improvements consistent with the character of the use and the neighborhood.
- (j) The owner shall submit to the Madison Police Department a list of individuals, including staff, owners, or operators, who are authorized to give guests notice that they are no longer allowed to remain on the property.
- (k) No peer run respite facility shall locate within one thousand five hundred (1500) feet of another peer run respite facility.”

3. Table 28C-1 of Subsection (1) of Section 28.032 entitled “Residential District Uses” of the Madison General Ordinances is amended by amending therein the following:

<b>“Residential Districts</b>																
	SR-C1	SR-C2	SR-C3	SR-V1	SR-V2	TR-C1	TR-C2	TR-C3	TR-C4	TR-V1	TR-V2	TR-U1	TR-U2	TR-R	TR-P	Supplemental Regulations
<b>Residential – Group Living</b>																
Peer run respite facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Y”

4. Table 28D-2 of Section 28.061 entitled “Mixed-Use and Commercial Districts Uses” of the Madison General Ordinances is amended by creating therein the following:

<b>“Mixed-Use and Commercial Districts</b>							
	LMX	NMX	TSS	MXC	CC-T	CC	Supplemental Regulations
<b>Residential – Group Living</b>							
Peer run respite facility	P	P	P		P		Y”