

HOUSE No. 139

The Commonwealth of Massachusetts

PRESENTED BY:

Danielle W. Gregoire

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act removing barriers to emergency shelter.

PETITION OF:

NAME:

Danielle W. Gregoire

DISTRICT/ADDRESS:

4th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 116 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT REMOVING BARRIERS TO EMERGENCY SHELTER.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 1. Notwithstanding any other general or special law or rule or regulation, families with a child under age 21
2 or including a woman who is pregnant shall be eligible for Emergency Assistance shelter if they satisfy financial
3 eligibility requirements and do not have alternative feasible housing. Notwithstanding the foregoing, the department
4 of transitional assistance is authorized to deny Emergency Assistance shelter to an otherwise eligible family but only
5 if the family is determined, based on clear and convincing evidence, to have engaged, while in shelter, in criminal
6 conduct that threatened the health or safety of shelter residents or staff or to have failed, on three or more occasions
7 to comply with reasonable and uniform rules of the department governing the shelter system, and based thereon was
8 terminated from shelter, within the past 12 months. Notwithstanding the first sentence of this section, the department
9 of transitional assistance is also authorized to terminate Emergency Assistance shelter to an otherwise eligible
10 family but only if the department determines, based on clear and convincing evidence, that (1) a member of the
11 family, while in shelter, engaged in criminal conduct that threatened the health or safety of shelter residents or staff;
12 (2) the family failed, without good cause, on three or more occasions to comply with reasonable and uniform rules
13 of the department governing the shelter system; (3) the family, without good cause, refused a shelter placement
14 within 20 miles of its home community or refused a transfer to a placement within 20 miles of its home community;
15 or (4) the family, without good cause and with an intention not to return, left shelter without advance notice to the
16 shelter or to the department.

17 Section 2. Notwithstanding any other general or special law or rule regulation, the department of transitional
18 assistance shall immediately provide temporary Emergency Assistance shelter for up to 30 days to families who
19 appear to be eligible for Emergency Assistance shelter based on statements provided by the family and any other
20 information in the possession of the department but who need additional time to obtain any third-party verifications
21 reasonably required by the department. In no event, shall the department impose unreasonable requirements for
22 third-party verification and shall accept verifications from the family whenever reasonable.

23 Section 3. Notwithstanding any other general or special law or rule or regulation, the department of transitional
24 assistance shall, within 60 days of the effective date of this act, revise its Emergency Assistance regulations to
25 expand its existing good cause rules to establish that a family has good cause for alleged instances of noncompliance
26 with any rules, regulations or requirements applicable to Emergency Assistance shelter in cases in which the family

27 made good faith efforts to comply, the rule or requirement is unreasonable generally or as applied to the particular
28 family or in the particular case, the family refused a placement or transfer or left shelter with or without advance
29 notice for good reasons, and other cases in which a reasonable person would conclude that good cause existed.