

HOUSE No. 145

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker

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 adoption of the accompanying bill:

An Act improving emergency housing assistance for children and families experiencing homelessness.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/11/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/19/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>1/31/2023</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>2/6/2023</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>2/8/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/8/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/8/2023</i>
<i>Priscila S. Sousa</i>	<i>6th Middlesex</i>	<i>2/14/2023</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/15/2023</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>2/16/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/17/2023</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>	<i>2/17/2023</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/21/2023</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>2/27/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>3/1/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>3/2/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/4/2023</i>

HOUSE No. 145

By Representative Decker of Cambridge, a petition (accompanied by bill, House, No. 145) of Marjorie C. Decker and others relative to emergency housing assistance for children and families experiencing homelessness. Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 202 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act improving emergency housing assistance for children and families experiencing homelessness.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to improve emergency housing assistance for children and families experiencing homelessness, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.

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. Section 30 of chapter 23B of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by inserting after the first paragraph the following
3 paragraphs:-

4 The department shall provide emergency housing assistance to eligible families,
5 including but not limited to families who on the date of application for emergency assistance
6 have an immediate need, and who but for not having spent 1 night in a public or private place not

7 designed for or ordinarily used as a regular sleeping accommodation for human beings, including
8 but not limited to a car, park, abandoned building, medical facility, bus or train station, airport or
9 camping ground, would be eligible for emergency assistance.

10 In order to promote privacy, dignity, and public health, the department shall provide each
11 family placed in temporary shelter their own room or rooms with beds for sleeping, separated
12 from other families by at least a door. Each family shall be able to control the lighting in their
13 sleeping area.

14 SECTION 2. Said Section 30 of said chapter 23B, as so appearing, is hereby further
15 amended by inserting after subsection (F) the following subsection:-

16 (G) (a) For purposes of this section, “immediate need” shall mean a family has no
17 immediate and feasible housing alternative; provided further that a family’s self-declaration of
18 immediate need shall be sufficient to establish eligibility for immediate housing placement.

19 (b) On the same business day in which any family requests emergency housing
20 assistance, the department shall inquire whether the family is in immediate need of emergency
21 housing assistance. If the family is determined to be in immediate need of emergency housing
22 assistance, the department shall offer the family shelter placement to begin that same business
23 day, unless the department possesses specific information confirming that the family is not
24 eligible for emergency housing assistance, in which case the department shall on that same day
25 generate a written notice of denial including the reasons for the denial, the specific regulations
26 supporting the denial, and an explanation of the right to appeal.

27 SECTION 3. Said Section 30 of said chapter 23B, as so appearing, is hereby further
28 amended by inserting the following subsection:-

29 (H) The department shall issue no denial based in whole or in part on the need for further
30 verification of the family's eligibility for emergency housing assistance.

31 The department and the department of transitional assistance shall, within 30 days of
32 enactment of this subsection, execute any memorandum of understanding, interdepartmental
33 service agreement, or other document that may be necessary in order for department staff to
34 access the BEACON database or any successor database maintained by the department of
35 transitional assistance. Within 30 days of such execution, the department and the department of
36 transitional assistance shall ensure that all department staff involved in determining families'
37 eligibility for emergency housing assistance shall have access to any and all data maintained by
38 the department of transitional assistance that may be necessary to ascertain a family's eligibility
39 for emergency housing assistance. The department shall review all available data held by the
40 department of transitional assistance and shall only require that the family present such
41 documentary verification for eligibility factors that cannot be ascertained through review of data
42 from the department of transitional assistance.

43 When the department offers a family an immediate shelter placement pursuant to
44 subsection (G) above and does not have in its possession sufficient information to make a full
45 determination of eligibility, including through review of data held by the department of
46 transitional assistance, the department shall notify the family of the specific verification needed;
47 the time period for the verification, not to be less than thirty calendar days from the date on
48 which the family receives actual notice of the verification needed; and the consequences of late
49 or missing verifications. Such notice shall be in writing and shall be delivered to the family in
50 hand by the department or its contracted shelter provider.

51 SECTION 4. Said Section 30 of said chapter 23B, as so appearing, is hereby further
52 amended by inserting the following subsection:-

53 (I) The department shall issue no denial or termination of assistance based in whole or in
54 part on the amount of a family's assets; provided, however, that any income generated by such
55 assets may be treated as countable income.

56 SECTION 5. Said Section 30 of said chapter 23B, as so appearing, is hereby further
57 amended by inserting the following subsection:-

58 (J) The department shall promulgate any rules or regulations which may be necessary to
59 carry out subsections (G), (H), and (I) of this section.

60 SECTION 6. Said Section 30 of said chapter 23B, as so appearing, is hereby further
61 amended by inserting the following subsection:-

62 (K) For any state of emergency and for at least 90 days thereafter, the department shall
63 use its authority to allow applicants to self-certify documentation verifying their eligibility for
64 emergency housing assistance; shall cease from terminating all emergency housing assistance
65 program benefits; and shall waive the existing 12-month ban on re-entering emergency housing
66 assistance for any family who meets the other eligibility requirements.

67 SECTION 7. Said Section 30 of said chapter 23B, as so appearing, is hereby further
68 amended by inserting the following subsection:-

69 (L) (a) For purposes of subsections (K) through (M), "applicant" shall mean any person
70 who requests services in programs referenced to in subsection (K)(b) through any means,
71 including but not limited to telephone, electronic means, or in person from the initial point of

72 contact; “participant” shall mean any person engaged in programs referenced to in subsection
73 (K)(b) up until the point at which any such person shall have exhausted appeal rights regarding
74 any termination from the program; “application” shall mean an initiated request for services.

75 (b) There shall be established an ombudsperson unit within the executive office of
76 housing and economic development, or any successor executive office of housing, to liaise
77 between families and two programs located within the department of housing and community
78 development. The ombudsperson unit shall be directed towards the emergency assistance shelter
79 program and related short-term housing transition programs as provided in Chapter 4 of the Acts
80 of 2009 and Chapter 23, and any successor programs.

81 Applicants to and participants of both the emergency assistance and the Massachusetts
82 short-term housing transition program shall be able to access the ombudsperson. The
83 ombudsperson shall act as an independent mediator and advocate for all applicants and
84 participants in either program.

85 SECTION 8. Said Section 30 of said chapter 23B, as so appearing, is hereby further
86 amended by inserting the following subsection:-

87 (M) The ombudsperson shall mediate between any applicant or participant and the
88 department of housing and community development when conflicts or misunderstandings arise.
89 The ombudsperson shall advocate for any applicant or participant when such applicant or
90 participant requests such services in order to review a denial or termination of services. For
91 applicants, the ombudsperson shall advocate in instances including but not limited to extraneous
92 document requests, inability to contact the department by telephone, delays in placement, and
93 denials.

94 SECTION 9. Said Section 30 of said chapter 23B, as so appearing, is hereby further
95 amended by inserting the following subsection:-

96 (N) The ombudsperson unit shall have access to all initiated, partially completed, and
97 completed applications in order to assess applicants' and participants' requests; provided further
98 the ombudsperson shall have access to all submitted documentation as well as case information
99 in the All Service Integrated System Tracker (ASIST) database and any successor database as
100 well as shelter provider notes, department of children and families and domestic violence
101 assessments, and sub-contracted provider notes.

102 SECTION 10. Said Section 30 of said chapter 23B, as so appearing, is hereby further
103 amended by inserting the following subsection:-

104 (O) The ombudsperson unit shall annually develop a report describing: (1) the number of
105 requests received in the preceding 12-month period; (2) the number of such requests that
106 pertained to the emergency assistance program; (3) the number of such requests that pertained to
107 the Massachusetts short-term housing transition program; (4) the number of such requests that
108 pertained to issues arising during the application process; (5) the number of such requests that
109 pertained to participants' experiences at any time after initial entry into the program in question,
110 broken down by program; or issues that result as part of programmatic participation; (6) the
111 nature of all such requests; (7) the resolution of all such requests; (8) the race and ethnicity of
112 each requestor; and (9) the length of time to resolve requests for each program and identifies
113 whether the request involved application issues or program participation issues. This report shall
114 be filed with the clerks of the house of representatives and the senate, and shall be filed with the

115 joint committee on housing and the house and senate committees on ways and means, on or
116 before the first of February of each year.

117 SECTION 110. Said Section 30 of said chapter 23B, as so appearing, is hereby further
118 amended by inserting the following subsection:-

119 (P) Not more than 12 months after establishing the ombudsperson unit, and annually
120 thereafter, the joint committee on ways and means and the joint committee on housing shall hold
121 an oversight hearing to investigate, analyze and discuss the data collected and the efficacy of the
122 ombudsperson unit in resolving requests.