

**HOUSE . . . . . No. 5394**

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**The Commonwealth of Massachusetts**

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CHARLES D. BAKER  
GOVERNOR

OFFICE OF THE GOVERNOR  
**COMMONWEALTH OF MASSACHUSETTS**  
STATE HOUSE · BOSTON, MA 02133  
(617) 725-4000

KARYN POLITO  
LIEUTENANT GOVERNOR

*November 18, 2022*

To the Honorable Senate and House of Representatives,

I submit for your consideration a bill entitled “An Act Making Appropriations for Fiscal Year 2023 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects.”

As you know, over the past several months, the Commonwealth has experienced a dramatic increase in demand for emergency shelter, driven by the arrival of families in the United States from places such as Afghanistan, Haiti, Venezuela, and Ukraine, as a result of federal immigration policies, and in combination with a shortage of affordable housing in the Commonwealth. The volume of new arrivals has remained high through the fall, and while the Emergency Assistance (EA) system is already effectively at 100% capacity, caseload is expected to continue to increase over the coming months. Many of these families need medical care and other services, in addition to shelter. And many of them have school-aged children, some with limited English proficiency, who need to be placed in a school that can meet their needs.

As a right to shelter state, the Commonwealth through its Department of Housing and Community Development (DHCD) is committed to providing safe temporary shelter to these families, while helping them to find permanent housing. To address the recent increase in demand for shelter, we urgently need to expand the capacity of the EA system. Therefore, I am proposing that the Legislature appropriate \$130 million to establish a reserve for immediate needs across all of the agencies that have a role in responding to this crisis. Funding from this

reserve—together with the \$20 million reserve recently appropriated by the Legislature in the economic development bill to address the needs of immigrants and refugees—will:

- Cover the cost of the projected increase in EA program caseload through the end of Fiscal Year 2023 (FY23);
- Facilitate the recruitment and retention of necessary service providers by increasing their compensation;
- Support renovation and construction costs to bring new shelter units online;
- Establish and operate a temporary centralized intake center, so EA-eligible families during their first few days in shelter can receive timely and focused case management services and intake assessments.

As we increase shelter capacity throughout the Commonwealth, it is important that we do so equitably and sustainably. I am especially mindful that the placement of families with children in a host community can mean that local officials are challenged to welcome new children into the local schools with little advance notice and that the municipality will bear costs associated with educating these children. To that end, I am proposing that \$37 million of the total reserve be expended to local school districts for emergency student aid for the remainder of the 2022-23 school year and all of the 2023-24 school year. I also have included in this bill an outside section that would authorize the Commissioner of the Department of Elementary and Secondary Education, after consultation with local school districts and subject to appropriation, to enroll students from state-placed families in nearby districts in instances where the host community of state-placed families would experience a sudden and significant increase in enrollment due to the state placement.

The bill includes two other outside sections to allow for the efficient use of available resources. The first of these authorizes the Secretary of the Executive Office of Housing and Economic Development to transfer funds between the EA and the HomeBASE line items in the FY23 budget, which will allow appropriated shelter funding to be utilized where it is most needed across the system. The other outside section ensures that emergency shelter facilities created with the funding from this bill do not have to comply with local requirements that are more stringent than the state sanitary code. In several instances, municipalities have implemented stricter sanitary codes specifically to prevent homeless shelter expansion in their communities. The influx of new arrivals and additional families seeking emergency assistance is a humanitarian crisis we must address across the Commonwealth. These provisions will give our housing agencies the flexibility to stand up non-traditional, temporary shelter facilities if and when needed, in compliance with the state's sanitary code.

Finally, I am renewing my request that \$9.2 million is provided for the Registry of Motor Vehicles (RMV) for the implementation of the Work and Family Mobility Act. This funding is

needed now to ensure the RMV can begin hiring and training the additional staff needed to meet the increased demand for services, and enable the RMV to efficiently and securely develop new processes and transaction types required by the legislation.

Although the number of new arrivals and other families in need of emergency assistance over the next 6 to 18 months is difficult to predict, I am confident that the reserve proposed in this bill will be sufficient to meet projected need and address this challenge before the Commonwealth. Sufficient revenues are available to finance the appropriations and other proposed measures, and I urge you to enact this legislation promptly to ensure that we continue to have capacity to shelter all eligible families.

Respectfully submitted,

Charles D. Baker,  
*Governor*



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*Massachusetts Department of Transportation*

1595-6368 Massachusetts Transportation Trust Fund.....\$9,238,441

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise in this section, for the several purposes and subject to the conditions specified in this section, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2023. Except as otherwise stated, these sums shall be made available through the fiscal year ending June 30, 2024.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

*Reserves*

1599-0924 For a reserve to address the needs of immigrants and refugees and other homeless families and individuals; provided, that not less than \$73,000,000 shall be expended to increase and support shelter capacity for families and individuals eligible for temporary emergency shelter under 7004-0101 and 7004-0102, including funds that may be required to secure the use of temporary congregate shelter sites and make any necessary improvements; provided further, that not less than \$20,000,000 shall be expended to develop and operate one or more temporary central intake centers and to provide immigration-focused case management services and health assessments; provided further, that not less than \$37,000,000 shall be expended to supplement school district costs associated with additional student enrollments; provided further, that any such funds distributed to a city, town or regional school district to supplement school district costs associated with additional student enrollments shall be deposited with the treasurer of such

33 city, town, or regional school district and held in a separate account and shall be expended by the  
34 school committee of such city, town or regional school district without further appropriation,  
35 notwithstanding any general or special law to the contrary; provided further, that funds in this  
36 item shall be distributed in a manner that promotes geographic equity and fairly distributes  
37 school burdens and associated funding to communities in which shelter capacity is increased;  
38 and provided further, that the secretary of administration and finance may transfer funds from  
39 this item to state agencies as defined in section 1 of chapter 29 of the General  
40 Laws.....\$130,000,000

41 SECTION 3. Section 12 of chapter 76 of the General Laws, as appearing in the 2020 Official  
42 Edition, is hereby amended by striking out, in line 1, the word “Any” and inserting in place  
43 thereof the following words:- (a) Any.

44 SECTION 4. Said section 12 of said chapter 76, as so appearing, is hereby further amended by  
45 adding the following subsection:-

46 (b) Notwithstanding the provisions of this section or any general or special law to the contrary,  
47 upon the placement by the commonwealth of a substantial number of students new to a city or  
48 town that would cause a sudden and significant increase in enrollment in the public school  
49 district in the city or town, the commissioner of elementary and secondary education may,  
50 following consultation with the school districts and subject to appropriation, assign some or all  
51 such students to enroll in other school districts in the same geographic area, as determined by the  
52 commissioner, and such school districts shall enroll such students. Upon such enrollment, the  
53 commissioner may allocate transportation costs among school districts as the commissioner

54 deems reasonable, subject to appropriation. Students so assigned by the commissioner may  
55 remain enrolled in the assigned school district until the end of the school year.

56 SECTION 5. Item 7004-0108 of section 2 of chapter 126 of the acts of 2022 is hereby amended  
57 by striking out the word “annually” and inserting in place thereof the following words:- annually;  
58 and provided further, that the secretary of housing and economic development may transfer  
59 funds between items 7004-0108 and 7004-0101; and provided further, that the secretary of  
60 housing and economic development shall notify the house and senate committees on ways and  
61 means not less than 14 days in advance of any such transfer.

62 SECTION 6. Notwithstanding any general or special law to the contrary, effective as of  
63 November 1, 2022, no board of health or other municipal agency of a city or town shall adopt  
64 standards stricter than those imposed by the commonwealth’s department of public health with  
65 respect to temporary emergency shelter for homeless families and individuals established or  
66 operated with funding under item 1599-0924 of this act.