



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Transitional Assistance
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Field Operations Memo 2009-20
April 17, 2009

To: Transitional Assistance Office Staff
From:  John Augeri, Assistant Commissioner for Field Operations
Re: Emergency Assistance Program Changes

Background

The Emergency Assistance Program provides shelter and support services to families across the Commonwealth. The number of homeless families has steadily risen to more than 2700 families. The proposed changes to the EA regulations were filed in response to a significant deficiency in the appropriation for the program. These changes are part of a comprehensive response to provide housing and stabilization services to homeless families, and to transform the shelter system with a greater emphasis on shared accountability and self-sufficiency. Following months of discussions and public hearings, State Letter 1347 issued these changes to the Emergency Assistance program regulations.

EA Regulation Changes

The revised EA regulations include the following.

1. The term “household” has replaced “assistance unit” in the EA regulations. The term “EA family” will be used in procedural materials.
2. A legal guardian has been added to the list of adults who qualify as the “caretaker” of the needy child. See 106 CMR 309.020(A). A legal guardian will be included as the adult in the EA family when proof in the form of court records or other government documents is provided showing that he or she is the legal guardian of the EA needy child. This regulatory change allows for an individual, who is not related to the child but who is the legal guardian of the child, to apply for shelter benefits when the needy child is living in their household.

To add the guardian onto BEACON:

- on the Applying for Assistance window in the AU Composition section, select “yes” to indicate the legal guardian is applying;
 - on the Household window in the Household composition section, select “unrelated” as the personal relationship between the legal guardian and the needy child(ren).
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- on the Caretakers window in the AU Composition Details section, select the name of the legal guardian from the Member List, select “guardian” as the Caretaker Role for the individual, select “yes” for Role Exists, and click on the dropdown box in the Caretaker/Person Under Care field to select the name of one child for whom the individual is the legal guardian. Click on Add.
3. An individual is not eligible for EA benefits if the individual has an outstanding default or arrest warrant from Massachusetts that has not been resolved within 30 days of being notified of the warrant by the Department. See 106 CMR 309.020(K). During the 30-day period, the shelter will be working with the family member to resolve the warrant.

The Data Match Unit (DMU) receives information on from the state Criminal History Systems Board (CHSB) identifying an EA family member who has active outstanding warrants. The DMU sends a notice to the EA family member that identify the warrant(s) and provides information regarding the location and telephone number of the issuing court(s). The notice advises the EA family member to provide the warrant verification(s) from the court(s), such as the Notice of Recall or the Warrant Resolution form, within 30 calendar days from the date of the notice. A copy of this same notice, without the attachments, is emailed to the TAO director/designee who forwards a copy to the case manager or homeless coordinator. The EA family’s Self-Sufficiency Plan must be annotated to indicate the EA family member has an outstanding default or arrest warrant. If the EA family member provides the court verification directly to the case manager or homeless coordinator, the case manager or homeless coordinator must fax the verification to the DMU at 617 348-5479.

If the warrant has been resolved, the DMU will notify the TAO director/designee who forwards a copy to the case manager or homeless coordinator, and the EA family member remains eligible for shelter benefits. On day 31, if the warrant has not been resolved, DMU will notify the TAO director/designee. The TAO director/designee forwards a copy to the case manager or homeless coordinator. The EA family member is ineligible and will be removed from the EA case.

- update the AU Composition Results window, by selecting Noncooperation as the Reason Category and failure to submit verification as the Reason;
 - enter information on the BEACON Narratives tab that an unresolved warrant exists (never include specific details about the member’s warrant); and
 - send the completed NFL-9 to notify the EA family that the EA family member will be removed.
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If the warrant has not been resolved, the individual is no longer eligible for EA and shelter benefits must be terminated. If the individual with the warrant is the sole parent/adult in the EA family, the entire EA case must be terminated and the family must leave the shelter placement.

- update the AU Composition Results window, by selecting Noncooperation as the Reason Category and failure to submit verification as the Reason;
- enter information on the BEACON Narratives tab that an unresolved warrant exists (never include specific details about the member's warrant); and
- send the completed NFL-9 to notify the EA family that the EA benefits will be terminated.

Note: Per State Letter 1347, the Self-Sufficiency Plan will be referred to as the family's Plan for Rehousing. Until the new Plan for Rehousing form is issued, the case manager or homeless coordinator and the shelter providers, along with the housing search providers, are to continue using the current Self-Sufficiency Plan.

4. At application, a family is ineligible for EA shelter benefits if the family became homeless because:

- the family abandoned public and/or subsidized housing in the preceding year without good cause. See 106 CMR 309.040(B)(3). It is not considered abandoned housing if the family left the housing for good cause. Good cause includes, but is not limited to, leaving because of a direct threat to the family's safety, accepting a job, or accepting permanent housing elsewhere. If the family presents other reasons for leaving the public and/or subsidized housing, these reasons must be discussed with the TAO director/designee and a decision will be made if the family had good cause for leaving the public and/or subsidized housing. Enter information about the reason for leaving the housing and the good cause decision on the BEACON Narratives tab.
- the family was evicted from public and/or subsidized housing in the preceding three years for nonpayment of rent or fraudulent behavior. See 106 CMR 309.040(B)(3). The family will not be denied shelter benefits because of the eviction if the person who caused the eviction is no longer part of the applicant EA family. Enter information about the eviction and the eligibility decision on the BEACON Narratives tab.
- the revised EA regulations state that a family will not be denied shelter benefits for an eviction from private, public and/or subsidized housing for criminal activity or for destruction of the property when the person who caused the eviction is no longer part of the EA applicant's family. See 106 CMR 309.040(B)(3), (4), (5).

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5. The activities in the EA family's Plan for Rehousing (the Self-Sufficiency Plan) will include an activity of saving 30 percent of the family's net income. See 106 CMR 309.040(D)(2)(g). Completing and reassessing the saving's section of the EA family's Plan for Rehousing is the responsibility of the shelter. The percentage of savings, along with the dollar amount, must be annotated on the EA family's Plan for Rehousing. Under specific circumstances, an EA family is not required to save the 30 percent.
- The 30 percent monthly savings requirement does not apply to a family who has been placed in a hotel or motel. See 106 CMR 309.040(D)(2)(g).
 - The 30 percent monthly savings amount for a family in a shelter will be reduced if:
 - there are extraordinary circumstances, such as, but not limited to transportation costs to and from the shelter's location to the family's work, training or medical visits; or

Example of savings calculation

<i>Income Source for Family</i>	<i>Net Income</i>
Net monthly earnings	\$ 530.00
SSI	340.00
Total net monthly income	873.00
30% calculation of net monthly income	261.90
Less the high transportation costs from shelter to employer's site	136.00
<i>Family's Monthly Savings Amount</i>	<i>125.90</i>

- the family is repaying past debt obligations for rent or utilities arrearages that are preventing the family from obtaining permanent housing.

Example of savings calculation

<i>Income Source for Family</i>	<i>Net Income</i>
Net monthly earnings	\$ 330.00
TAFDC	203.00
SSI	340.00
Total net monthly income	873.00
30% calculation of net monthly income	261.90
Less utility arrearage payment	200.00
<i>Family's Monthly Savings Amount</i>	<i>61.90</i>

The Executive Director of the shelter or his or her designee will provide an explanation of the family's extraordinary circumstances or the repayment plans. See 106 CMR 309.040(D)(2)(g).

The 30 percent monthly savings requirement may be waived if the Executive Director of the shelter or his or her designee requests an exemption from the savings requirement for the family by showing that by not requiring the 30 percent savings, it will lead to more

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rapid rehousing for the family. The request will be submitted to the case manager or homeless coordinator for review with the unit supervisor or Homeless Shelter Outreach Liaison, and if the request is denied, the Executive Director of the shelter or his or her designee must be notified immediately. See 106 CMR 309.040(D)(2)(g).

The Executive Director of the shelter or his or her designee has the authority to make other reasonable changes to the 30 percent monthly savings requirement when reassessing the family's Plan for Rehousing. See 106 CMR 309.040(D)(2)(g).

A family's unique circumstances that reduce or eliminate the 30 percent savings requirement must be annotated on the family's Plan for Rehousing (the Self-Sufficiency Plan).

Note: The regulation regarding the 30 percent savings does not change the escrow amount that the EA six-month case must save each month. The escrow amount is based on the amount of monthly gross income that exceeds the EA eligibility standard.

6. Every person in the EA family age 18 or older, including a dependent child, will participate in activities for 30 hours per week, that lead to self-sufficiency as defined in 106 CMR 203.400(A)(2)(a) through (i), for 30 hours per week. See 106 CMR 309.040(D)(2)(h).
 - The 30 hours shall be reduced as a reasonable accommodation for individuals who are disabled, as defined in 106 CMR 203.530(A)(1);
 - The self-sufficiency activities may include, but not limited to, education and training programs, including attendance at a community college, community service, and substance abuse treatment;
 - The 30 hours shall be reduced or eliminated for good cause, including, but is not limited to, the following:
 - lack of appropriate child care or transportation;
 - addressing medical issues including mental health issues;
 - domestic violence issues;
 - actual hours spent in housing search;
 - caring for a newborn under the age of three months; and
 - the reasons as defined in 106 CMR 701.380.
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The shelter will be working with the family member to choose the activities. The shelter will regularly reassess the EA family's Plan for Rehousing and the outcomes of the reassessment will be noted on the family's Plan for Rehousing (the Self-Sufficiency Plan).

An EA family member who is not an active TAFDC client is not eligible for participation in an ESP activity. Monthly participation for an EA-only family member will be monitored with verification from the employer (wage stubs), the education or training provider, or the provider of the activity. The monthly participation report will verify the participation of a member who is participating in an ESP activity.

7. Shelter benefits will be terminated when the EA family rejects one opportunity for safe, permanent housing without good cause. See 106 CMR 309.040(F)(1)(b). Good cause for rejecting the opportunity for housing is defined in 106 CMR 701.380 and 309.021(D) and also includes, but is not limited to, the following reasons:
 - the housing would require the parent to leave a job that is part of his or her Plan for Rehousing;
 - the housing would interfere with access to critical medical services to meet the needs of family members, including access to specialty medical providers;
 - the housing would interfere with the special education needs of the EA family child; or
 - the housing is in an area in proximity to a domestic abuser of one of the EA family members, or in an area the EA family was forced to leave because of safety concerns directed at any member of the EA family.

The EA family, or along with the assistance from the Executive Director of the shelter or his or her designee, will provide information that collaborates the reasons for rejecting the housing.

Note: If the housing is public housing, it is important for the EA family to submit a written request to remove their name from that local public housing authority.

Enter the information about the reason for rejecting the housing opportunity on the BEACON Narratives tab.

If the reason does not meet one of the good cause reasons for rejecting the housing opportunity, follow the established procedures for terminating EA shelter benefits.

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8. Shelter benefits will be terminated when the EA family abandons the placement by failing to stay at the placement for two consecutive nights or longer, or has repeated absences from the placement. See 106 CMR 309.040(F)(1)(e).

The Centralized Placement Unit in the Housing and Homeless Services Unit or the shelter provider will notify the TAO's Homeless Shelter Outreach Liaison when the EA family has abandoned the placement or has had repeated absences from the placement.

It is not considered an abandoned placement if the absence is authorized by the shelter's Executive Director or his or her designee, or the case manager or homeless coordinator; or when the EA family has good cause, as defined in 106 CMR 701.380 or 106 CMR 309.021(D). Good cause also includes, but is not be limited to, a medical emergency or death in the family.

Enter the information about the absences on the BEACON Narratives tab.

If the reason does not meet one of the good cause reason for absences, follow the established procedures for terminating EA shelter benefits.

Questions

If you have any questions, please have your Hotline designee call the Policy Hotline.
