

# Assisting Families Experiencing Homelessness: Emergency Assistance Shelter and Benefits



EA Basic Benefits Training  
October 2023

# What is Emergency Assistance (EA)?

- The Emergency Assistance program provides emergency shelter to families with children and pregnant people in Massachusetts who are experiencing homelessness.
- Families eligible for EA also are eligible for HomeBASE assistance, which generally provides up to \$30,000 over 24 months for housing costs to divert families from entering shelter or to help families exit shelter.
  - This fiscal year (FY24), there is new flexibility to provide families additional time and funding beyond the general benefit caps.
- The Massachusetts Executive Office of Housing and Livable Communities (HLC, formerly known as the Department of Housing and Community Development or DHCD) administers both EA and HomeBASE.

# The Numbers

## EA:

- As of October 2, 2023, there were over 6,700 families with children and pregnant individuals participating in the EA and related programs.
  - There were 6,744 families in shelter as of October 2, 2023.\*
- This included over 3,000 families staying in EA hotel/motel placements.
  - Of the 3,025 families in motels on October 2nd, 1,864 families were in motels with traditional providers, 1,117 families were in motels with National Guard members providing support, and 44 families were in motels with no providers.\*

\* Source: HLC Emergency Assistance Placement Data Report for October 2, 2023

- <https://www.mass.gov/info-details/emergency-assistance-ea-family-shelter-resources-and-data>

# The Numbers (cont.)

## EA:

- There were 3,153 families that started or finished applications for EA shelter in the first quarter of FY23 (July 1, 2022-September 30, 2022).\*
- Only 803 (25.5%) of those families were approved.\*
- Of the 3,314 families in shelter at the end of that quarter, the average length of stay was 429 days (14 months) and the maximum length of stay was 3,097 days (almost 8.5 years).\*

\* Source: DHCD Emergency Assistance Legislative Report for Quarter 1, State Fiscal Year 2023.

Note: This is the most recent quarterly report shared by HLC/DHCD.

# The Numbers (cont.)

## HomeBASE:

- 38 families were diverted from entering shelter (“front door diversions” with the use of HomeBASE benefits during the first quarter of FY23.\*
- 287 families used HomeBASE to exit shelter that quarter.\*

\* Source: DHCD Emergency Assistance Legislative Report for Quarters 1, State Fiscal Year 2023.

Note: See also

<https://www.mass.gov/service-details/emergency-housing-assistance-resource-information>

# Step 1: Household Eligibility

*See the EA regulations at 760 CMR 67.02*

- Children and young adults under age 21 and their caretaker relatives or legal guardians are eligible.
  - Step-parents and siblings under 21 (including step-siblings or half-siblings) are included by right.
  - Other family members need special permission to be included. Those people must be able to assist the family with rehousing or a critical medical need. *HSN 2010-01*
- Pregnant people and their partners are eligible.
  - “Spouse” is defined in HSN 2011-02 as the person with whom the pregnant person is in an interdependent, long-term relationship. Couples are not required to be married.

# Eligibility (cont.)

- Households must also:
  - Verify identity and pregnancy or relationship to child;
  - Be income and asset eligible\*;
  - Verify Massachusetts residency;
  - Have one family member with eligible immigration status;\*\*
  - Meet the eligibility rules; and
  - Not be barred by their cause of homelessness, past behavior, or previous receipt of benefits.

\*One-time payments like tax returns or child tax credits, are not counted as income or assets for the first 12 months, per IRS tax code.

\*\*DTA Non-citizen Desk Guide 2003 – same immigration eligibility criteria as the EAEDC cash assistance program; in a fact sheet to legislators from September 2023, the Administration said that families had to “be living in the U.S. with the knowledge and consent of the Department of Homeland Security.”

# Step 2: Housing Need

*760 CMR 67.06(1)*

- Eligible families may qualify for EA when their housing need is caused by:
  - Risk of domestic violence or already having fled domestic violence;
  - Fire, flood, or natural disaster;
  - No fault eviction or condemnation; or
  - Substantial health and safety risk.
- To qualify, eligible families cannot have “feasible alternative housing.”

# Step 2: Housing Need (cont.)

*760 CMR 67.06(1)*

- Housing needs of families entering shelter in the first quarter of FY23:
  - 73% qualified due to health and safety risks
  - 13% qualified due to domestic violence
  - 6% qualified due to a no-fault or excused fault eviction
  - 5% qualified due to a threatened eviction
  - 2% qualified due to fire, flood, or natural disaster
  - 2% qualified for other reasons\*

\* Source: DHCD Emergency Assistance Legislative Report for Quarter 1, State Fiscal Year 2023.

# No Fault Eviction

*760 CMR 67.06(1)(a)3, 760 CMR 67.06(1)(3)(2), 760 CMR 67.06(1)(f)3-5*

- No fault/no cause eviction and non-renewal of lease includes when families are evicted due to:
  - Foreclosure or condemnation through no fault of the household;
  - Conduct by someone over whom current household members had no control;
  - Nonpayment of rent caused by:
    - A documented medical condition or disability in a market-rate apartment;
    - Loss of income source within last 12 months through no fault of the family, including change in household composition.
- There must be a firm “date of homelessness” within 48 hours.
- Families will be asked to provide proof of eviction and/or proof of no-fault income loss.

# Health and Safety Risk

*760 CMR 67.06(1)(a)4, 760 CMR 67.06(1)(f)6.a-d, 760 CMR 67.06(1)(f)7-8,  
Budget Line Item 7004-0101 of FY23*

- Housing situations presenting a health or safety risk include when:
  - (1) The family is not the leaseholder, **and**
  - (2) Children are exposed to harmful mental health issues, bad housing conditions, criminal activity, physical violence, or ongoing substance abuse.
- Households may also qualify for EA if they would be eligible “but for having spent one night” in a place not meant for human habitation (PNMF).
  - PMH includes cars, emergency rooms, parks, police stations, church basements, the streets, the hallways of buildings, and other such locations.
  - **Language in the state budget since FY20 no longer requires families to prove they stayed in a PNMF.**
- Families may also be eligible if they are in an irregular housing situation (couch surfing) or being discharged from a time-limited, non-EA shelter, such as a community room placement.

# Health and Safety Risk Assessment

*760 CMR 67.06(1)(e)4, HSN 2016-03*

- All families placed due to health and safety risk must have a risk assessment by the Department of Children and Families (DCF.)
- HLC should request an urgent Health and Safety assessment when:
  - The children stayed the prior night with a primary tenant; **and**
  - The family presents written or “other persuasive evidence” that the primary tenant will not permit the children to stay that evening, and that there is no feasible housing for that night; **then**
  - HLC should find a non-EA placement or a presumptive EA placement until the assessment can be done.

# Shelter Ineligibility: Disqualifying reasons

760 CMR 67.06(2)(a)-(e)

- Families are not eligible if they became homeless:
  - For the purpose of becoming EA eligible;
  - For the purpose of getting a housing subsidy;
  - Because they were evicted from their most recent permanent housing due to:
    - Nonpayment from subsidized housing within the last three years; or
    - Criminal activity or destruction of property
    - Exception: If the person who caused the eviction is no longer in the household the family may still be eligible. If the cause was criminal activity, the applicant must have been unaware of it.
  - Because they abandoned subsidized housing without good cause.
  - Because they failed to cooperate with a non-EA shelter or other housing assistance program; or
  - Because they refused a placement at a Young Parents Program (YPP) or were asked to leave three YPPs for behavior-related issues.

*Good cause criteria: 106 CMR 701.380.*

# Intervening Housing

*HSN 2012-05*

- Disqualifying reasons for homelessness relate to a family's most recent permanent housing.
- If family had “intervening housing” after disqualifying reason, they may be eligible.
- Staying in someone else's subsidized housing without being added to the lease is never intervening housing.
  - But landlord-approved tenancies or sub-tenancies are intervening housing.
  - Must have paid rent for at least one month (better if longer).

# Bars to Shelter

*760 CMR 67.06(d)1-4, HSN 2013-03 and 2013-03a*

**Families that appear eligible can still be barred from EA shelter or HomeBASE due to previous receipt of EA benefits.**

- **12-Month Rule for EA**
- If the family received EA within the last 12 months they are ineligible for shelter again in most cases
  - But a family may still receive shelter benefits if any of the following exceptions apply:
    - Could not financially maintain a HomeBASE unit for 12 months
    - Exited shelter with a Temporary Emergency Shelter Interruption (TESI) that has not expired
    - Only benefit received was a presumptive placement
    - Left for safe permanent housing, but later found out the housing was never safe or permanent
- **12-Month Rule for HomeBASE**
  - Only if family was terminated for cause.

**The 12-month rule can be waived pursuant to 760 CMR 67.10. Waiver requests go to the Director of the Division of Housing Stabilization. They can also go to the Director or Co-Directors of Field Operations.**

# Sample Denial Letter



Massachusetts Department of Housing and Community Development  
Division of Housing Stabilization, 100 Cambridge Street, Suite 300, Boston, MA 02114

## NOTICE OF APPROVAL or DENIAL FOR EMERGENCY ASSISTANCE (EA) and HomeBASE REFERRAL

Date: 6/25/2018

Name: [REDACTED]

Field Office: Newmarket

SSN (last four (4) digits): [REDACTED]

Address, City and Zip: IN HAND

This notice is to inform you that your request to be determined eligible for:

- EA  EA Presumptive Eligibility  
 Is Approved  Is denied

Responses to a Request for HomeBASE Referral:

- You are being referred to HomeBASE because you were determined eligible for EA and are also eligible for HomeBASE.  
 You were determined eligible for EA, but are not being referred to HomeBASE because:  
 your 24-month HomeBASE rental assistance benefit was completed in the past 12 months,  you received HomeBASE cash assistance in the past 12 months, or  you received more than \$4000 in assistance from RAFT in the past 12 months.  
 You are being referred to HomeBASE because you are currently receiving EA benefits and you are eligible for HomeBASE.  
 You are currently receiving EA benefits, but are not being referred to HomeBASE because:  you received a noncompliance notice, other than for a hotel rule violation, within the past six months, or  you have EA benefits for more than 32 weeks.

If eligibility is denied, please mark below all reasons for ineligibility that apply:

# Test Your Knowledge: Case Study

A dad and his son call you looking for help with EA shelter. They entered the U.S. in 2021, and dad has work authorization through a pending asylum application. They have been renting a small one-bedroom apartment, but the building was sold last year and they are being evicted because the new owner wants to renovate and charge more rent.

Dad had been earning \$2,275/month at Dunkin' Donuts, but his store recently announced they are closing and this is his last week of work. Under a housing court agreement, he is supposed to move out this Saturday. **Is this family eligible for EA? What else would you ask? What would you advise?**

# Applying for EA Shelter

- Families should call the HLC intake line early in the day to apply (8–9 a.m.) as the process can take a long time.
  - Intake line: **866-584-0653**; for additional language assistance, call HLC's main number, **617-573-1106**
  - Bifurcated intake: HLC now does a very basic “urgency screening” and then families receive a call back from a Homeless Coordinator.
    - HLC will call those with most urgent needs first.
    - Make sure to answer your phone.
- Families also can apply in person at one of 10 local offices, but these services have been inconsistent and limited since the start of the pandemic.
  - Office locations for in-person EA intake: <https://www.mass.gov/how-to/apply-for-emergency-family-shelter-ea>

# Applying for EA Shelter (cont.)

- Families should provide as many verifications as they can access.
  - IDs of adults, letters verifying relationship and custody of children, income information, confirmation of reason for homelessness (such as domestic violence documentation, Red Cross/FEMA/MEMA letter, eviction paperwork, or letters from places family has stayed)
  - If HLC asks for more verifications, families with no place to stay should ask for presumptive placement.
- Families should not refuse placement, even if it is far away from their home community - they can be terminated and barred for 12 months. Instead, take the placement and file an appeal.
- Note that families generally only can bring two bags of belongings per person to the placement.

# Applying for EA Shelter (cont.)

- Email the regional managers with the family's signed release form - let them know why you think they are eligible and attach any supporting documents you have.
- If there is a disability-related placement need, try to obtain medical documents before they apply.
- If the family provides verifiable information about identity and relationship **and** their situation would make them eligible, **then** they can be presumptively placed in shelter and given 30 days to submit other necessary verifications.

# Advocacy Tips

- Who should I email to help someone apply?

## Field Operations Directors

Ezequiel Lopes, Deputy Director: [Ezequiel.Lopes@mass.gov](mailto:Ezequiel.Lopes@mass.gov)

Bonnie Caldwell, Deputy Director: [Bonnie.Caldwell@mass.gov](mailto:Bonnie.Caldwell@mass.gov)

- Check Appendix B-1 in the EA Advocacy Guide to include local field supervisors.

# More Advocacy Tips

- Placement is supposed to be within 20 miles if such a placement is available - but prepare the family that it likely will be further away.
  - If medical need, job, or school affect placement, bring proof.
  - Family can request a transfer back to the home community.
- HLC can waive some barriers to shelter “for a good reason.” *760 CMR 67.10*
  - Waiver request must be made in writing to the Director of the Division of Housing Stabilization.
  - HLC takes the position that having a child under 21 in the household are fundamental program requirements and cannot be waived.
  - HLC has sometimes asserted that the income limit is not waivable - it is worth trying.
- For school attendance questions, contact the school’s McKinney-Vento Homeless Education Liaison
  - Regional and Local Listings: <https://www.doe.mass.edu/sfs/mv/>

# Some Key Players at HLC Division of Housing Stabilization

Name	Title	Email
<b>Alvina Brevard</b>	Director, Division of Housing Stabilization	<a href="mailto:alvina.brevard@mass.gov">alvina.brevard@mass.gov</a>
<b>Chris Thompson</b>	Undersecretary, Division of Housing Stabilization	<a href="mailto:chris.thompson@mass.gov">chris.thompson@mass.gov</a>
<b>Virginia Griffin</b>	Director of Homeless Family/Individual Contracts and Prevention	<a href="mailto:Virginia.K.Griffin@mass.gov">Virginia.K.Griffin@mass.gov</a>
<b>Caroline Narby</b>	ADA Coordinator	<a href="mailto:caroline.narby@mass.gov">caroline.narby@mass.gov</a>
<b>Barbara Duffy Amy Greenwood</b>	Placement	<a href="mailto:Barbara.J.Duffy@mass.gov">Barbara.J.Duffy@mass.gov</a> <a href="mailto:Amy.Greenwood@mass.gov">Amy.Greenwood@mass.gov</a>
<b>Adrian Walleigh</b>	Legal Counsel for EA	<a href="mailto:Adrian.Walleigh@mass.gov">Adrian.Walleigh@mass.gov</a>
<b>Bonnie Caldwell Ezequiel Lopes</b>	Deputy Directors of Field Operations	<a href="mailto:Bonnie.Caldwell@mass.gov">Bonnie.Caldwell@mass.gov</a> <a href="mailto:Ezequiel.Lopes@mass.gov">Ezequiel.Lopes@mass.gov</a>
<b>ADA Requests</b>	ADA Coordinator	<a href="mailto:DHCDeaADA@mass.gov">DHCDeaADA@mass.gov</a>
<b>Non-compliance &amp; termination requests</b>	Non-Compliance/Termination Information	<a href="mailto:dhcd_non_compliance_coordinator@mass.gov">dhcd non compliance coordinator@mass.gov</a>

# Types of Placements

- Congregate
- Co-share apartment
  - Similar to a roommate situation; shared common space with one other family
- Scattered site apartment
- Hotels or motels
- HomeBASE diversions (short-term rental assistance)

# Sample Placement Notice



*Massachusetts Department of Housing and Community Development  
Division of Housing Stabilization*

## Placement/Informational Contacts

Field Office: **BFHO-Dudley**

Date: [REDACTED]

EA Family First and Last Name: [REDACTED]

You and your household members have been approved for temporary emergency shelter benefits. The temporary emergency shelter placement for you and your EA family is

**MHSA Congregate Shelter-52 Deering Road Mattapan Ma 02126 617-445-0869**

(Name of Shelter)

(Address of Shelter)

(Telephone Number of Shelter)

[REDACTED]  
(Unit Number/Room Number)

**You must arrive at the placement shelter  
before**

**5:00**

**p.m. on**

[REDACTED]  
(Date)

# Shelter Responsibilities

*760 CMR 67.06(4)(b)2.h*

- Adult family members are expected to do 30 hours per week of self-sufficiency activities.
- This includes participating in:
  - Jobs
  - Education and training programs
  - Housing search
  - Substance abuse programs
- Activities can be reduced for adults who have a disability or a good cause reason for not being able to meet the 30-hour requirement.

# Test Your Knowledge

You get a call from Mimi and her partner looking for help. Mimi is six-months pregnant, and she and her partner have been struggling with housing.

The couple was evicted from public housing for non-payment of rent. For the last several months, they have been living with Mimi's mom. Recently, the mom's apartment was damaged by fire when a neighbor left their stove on, and the building has been condemned. They are staying for the next three days in a hotel paid for by the Red Cross. The couple's income is approximately \$1,000/month in SSI.

**Is the family eligible for EA Shelter? What else would you ask them?**

# **Noncompliances, Terminations, and Appeals**

# Termination of EA Benefits

*760 CMR 67.06(6)*

- Engaged in criminal activity that threatened the safety of other residents, guests, or staff
- Refused shelter placement, failed to appear at placement, or abandoned shelter without good cause
- Refused an offer of safe, permanent housing without good cause
- Feasible alternative housing became available
- Lost categorical or financial eligibility (income rises to 200% of federal poverty guidelines for more than 90 consecutive days)
- Found in non-compliance for a third time

# Termination: Abandonment

*760 CMR 67.06(6)(a)5 and 106 CMR 701.380*

- Families can also be terminated from shelter if the whole family was absent without permission for at least two consecutive nights.
- Absences can be excused by HLC for good cause, including:
  - medical emergency
  - family crisis
  - transportation issues
  - emergency situation or “other compelling circumstance” that is beyond the control of the family.
- Families should stay in contact with the shelter the entire time they are out (in writing is best) and should bring written proof of the emergency.

# Temporary Emergency Shelter Interruption (TESI)

- If a family plans to be absent for more than four nights in a month, they should request a TESI.
- TESIS are available for the following reasons:
  - Death in the family
  - Other-area employment
  - Medical treatment for an EEA family member or extended family member
  - Legal complications
  - Re-housing likely in 30 days
  - Loss of custody of children under age 21.

# Uniform Shelter Program Rules - USPR

- Copies of USPR are to be kept in shelter management offices and at the front desk of hotels.
  - USPR available online in multiple languages.
- Copy of USPR given to families when they are approved for EA. Families are asked to sign that they have read and agreed to the rules.

<https://www.mass.gov/service-details/emergency-housing-assistance-resource-information>

# USPR: Access to Units

- Shelter staff may check placements for cleanliness and health or safety hazards:
  - With at least 24-hours' written notice, *or*
  - According to a regular inspection schedule.
- Immediate access allowed by shelter staff for:
  - Emergencies (health and facility-related)
  - Inspections by code-enforcement agencies
  - When shelter staff have (1) a reasonable, articulable – or specific – suspicion of: criminal behavior; smoking, unauthorized cooking, or unauthorized guests; or behavior that constitutes a disturbance of quiet enjoyment or a threat to health and safety; and (2) the situation cannot be remedied by knocking at the door and asking to talk to those inside.
- Shelter staff are not allowed to search personal belongings.

# Noncompliance

760 CMR 67.06(5)

A family member can be deemed non compliant if they:

- Engaged in (non-criminal) conduct that threatens the safety of EA residents, visitors, or staff.
- Failed to cooperate in rehousing efforts.
  - Includes failure to follow the rehousing plan and also failure to meet with housing stabilization worker.
- Violated a shelter program rule.
  - Some rules violations should not be the basis of a noncompliance if the violation is *de minimis* or excused by good cause.
  - Important to read the full rules, not just the summary.

# Noncompliance (cont.)

*760 CMR 67.06(5)(e), 760 CMR 67.09(2)(a)2.a.*

- HLC will consider a noncompliance for not following rules or not participating in activities to be rescinded if the family has no further violations in the following six months.
- If a family faces termination based on a third noncompliance, they can contest the prior noncompliances in their termination hearing if they didn't appeal them before.

# Request for Noncompliance and Family Response

- Families may respond to a Request for Noncompliance or Termination from the shelter before it goes to HLC.
  - Families have 3 business days to respond.
  - If you are working with a family who is responding, attach copies of relevant documentation before submitting to HLC.
  - The Request and Response will then be sent to HLC, which will decide whether or not to issue the Noncompliance or Termination.
  - Email response and/or for more information:  
[dhcdnoncompliancecoordinator@mass.gov](mailto:dhcdnoncompliancecoordinator@mass.gov)
- THIS IS NOT THE APPEAL. If HLC issues a Noncompliance or Termination, the family also will have to submit an appeal.

# Appeals

*760 CMR 67.09*

- A Notice of Noncompliance or Termination must be appealed within 21 days.
- A Notice of Termination must be appealed within 10 days for the family to stay in shelter during the appeal process.
  - This is called “aid pending appeal.”
- Families can also appeal denials of shelter and shelter placements (if outside of 20 miles).
- Send appeal to:
  - Email address: [dhcdeahearings@mass.gov](mailto:dhcdeahearings@mass.gov)
  - Fax number: 617-573-1515
- Appeal hearings currently only are held remotely. Families can request an in-person appeal hearing; denial may lead to an appealable issue in a 30A.

# Appeal Hearings: How to Prepare

- Families have a right to see HLC's evidence against them prior to the hearing.
  - See Appendix B-1 for regional hearing specialists.
  - Email the hearing specialist and ask them to send any evidence they plan to present and information about witnesses they plan to ask to testify.
- Closely read the Notice being appealed to find the regulation or rule cited.
  - HLC must prove the allegation in the notice.
  - Many of the rules and regulations contain “good cause” or *de minimis* exceptions.

# Appeal Hearings: What to Expect

- The Hearing Officer will begin by explaining what will happen and swearing in witnesses.
- HLC should provide interpreters for families with limited English proficiency.
- A “Department Representative” presents HLC’s case.
  - Department witnesses often were not present at alleged incident. Their testimony is admissible but may not be reliable.
- Family can ask questions and examine evidence.

\*Note: Hearsay is allowed, but families should object to HLC raising hearsay within hearsay.

# Appeal Hearings: What to Expect (cont.)

- After Department Representative presents case, family testifies and can present evidence.
  - Because hearings are remote, typically the parties email in evidence after the hearing takes place.
- Hearing Officer may ask questions of witnesses, Department Representative, or family.
- Family can ask that the record be left open if they would like to submit more evidence.
- Decisions usually take time – between 30 and 90 days.

# Advocacy Tips for Hearings

- Ask the Department Representative in advance about their evidence and who will be testifying.
  - If you have trouble finding who the representative will be, contact [dhcdeahearings@mass.gov](mailto:dhcdeahearings@mass.gov)
- If there is no dispute about whether an incident happened but the behavior was disability-related, submit an ADA request.
  - Should include medical documentation.
  - Can be emailed to [dhcdeaada@mass.gov](mailto:dhcdeaada@mass.gov)

# Advocacy Tips for Hearings (cont.)

- Read the regulation, the rule, and any relevant housing stabilization notices (HSNs).
  - It is not uncommon for HLC to “overreach” and behavior that should be a noncompliance is framed as a termination.
- If the family has limited English proficiency (LEP), check to make sure notices were provided in their language.
  - HLC must prove the family knew the rule they were violating.

# Sample Non Compliance Determination Request



*Massachusetts Department of Housing and Community Development  
Division of Housing Stabilization*

## **Noncompliance/Termination Determination Request/ Notice of Infraction of Uniform Shelter Rules**

This document is to be completed in regard to an Emergency Assistance (EA) participant placed in a shelter by the shelter, housing assistance provider, or homeless coordinator describing the behavior that occurred which has resulted in the noncompliance/termination determination request and what steps have been taken by the submitter. The person submitting documentation for a noncompliance/termination determination should include this document along with copies of any third-party documentation generated by the incident, such as police reports, landlord/ management offers of housing, drug results, etc.

Please email all documents to Department of Housing & Community Development (DHCD) Division of Housing Stabilization (DHS) Noncompliance Unit, [DHCDNonComplianceCoordinator@state.ma.us](mailto:DHCDNonComplianceCoordinator@state.ma.us), or fax all documents to the Noncompliance Unit at 617-573-1577.

---

Submitted by: (Name of homeless coordinator, individual staff member of shelter or housing assistance provider)

# Sample Notice of Noncompliance

02-28-18 13:52 FROM-

1-242 P0014/0019 F-759



Massachusetts Department of Housing and Community Development  
Division of Housing Stabilization

Chelsea-TAO-February 21, 2018

Field Office

80 Everett Avenue Chelsea, MA 02150

Address

FEB 23 2018

## Notice of Noncompliance

Name [REDACTED] SSN [REDACTED]

Address, City/Town & ZIP [REDACTED]

This Warning Notice explains how you have not met your responsibilities while in a temporary emergency shelter. You have not met the temporary emergency shelter requirements by:

- a. not cooperating in developing one or more parts of the re-housing plan. 760 CMR 67.06(5)(a)3.
- b. not participating in the activities in one or more parts of the re-housing plan without good cause. 760 CMR 67.06(5)(a)3.
- c. violating one or more reasonable rules adopted by the Department for use in shelters, including hotels. 760 CMR 67.06(5)(a)4.
- d. being a threat to the health and/or safety of yourself, other shelter guests and/or the staff of the temporary emergency shelter. 760 CMR 67.06(5)(a)5.

As a result of the noncompliance reason that is checked-off above, on or after \_\_\_\_\_, you will be transferred to \_\_\_\_\_ where you will be subject to all the rules of this shelter.

- EA Family Member(s) involved in the conduct or omission above: [REDACTED]  
Description of Incident(s)/Violation(s) and Date(s)

# Sample Notice of Termination



Massachusetts Department of Housing and Community Development  
Division of Housing Stabilization, 100 Cambridge Street, Suite 300, Boston, MA 02114

---

## NOTICE OF TERMINATION FOR EMERGENCY ASSISTANCE (EA)

Date: [REDACTED]

Field Office: Central

Name: [REDACTED]

SSN (last four (4) digits): [REDACTED]

Address, City and Zip: Family failed to notify DHCD of a forwarding address contrary to EA requirements.

NFL 9-T mailed to last known mailing address: [REDACTED]

Contact Phone:

Your EA Temporary Emergency Shelter is **terminated** effective 7/6/2018 (10 days from the date of this notice) for the reasons checked below. Please check all that apply.

- Rejecting one offer of safe, permanent housing without good cause. 760 CMR 67.06(6)(a)2.
- Failure to appear at placement or refusal of placement without good cause. 760 CMR 67.06(6)(a) 4.**
- Abandonment of a shelter placement without good cause. 760 CMR 67.06 (6)(a)5.
- Feasible alternative housing became available. 760 CMR 67.06(6)(a)6.
- Household is no longer categorically or financially eligible. 760 CMR 67.06 (6)(a)7.
- An adult member of the household committed fraud on the EA program. 760 CMR 67.06(6)(a)8.
- You failed to comply with your savings obligations during the six month extension period. 760 CMR 67.02(5)e.

# Garcia et al. v. HLC

- Class action challenging various HLC policies and practices
- Settlement agreement announced in February, 2023
- HLC is in the process of implementing the settlement agreement. Changes will address:
  - Delays in accessing shelter, including but not limited to failure to offer presumptive placement
  - Shelter placements that do not meet families' statutorily protected needs:
    - Disability-related needs
    - Beyond 20 miles of home community
    - Children can't access the school where they were enrolled prior to entering shelter
  - Confusing forms and inaccessible language
  - Noncompliances and terminations related to these unsuitable shelter placements
- Questions? Contact Laura Massie, [Lmassie@gbls.org](mailto:Lmassie@gbls.org) or Adam Hoole, [ahoole@gbls.org](mailto:ahoole@gbls.org).

# Test Your Knowledge

A family calls and says that they received a noncompliance.

- **What do you do?**
- **What questions do you ask?**

# Access for Families with Limited English Proficiency (LEP)

- Families with limited English proficiency are entitled to language access services at:
  - HLC Main Office
  - Field offices
  - Hearings Division
  - All shelters
- At intake, each family should be asked in which language they prefer to communicate.

# LEP: Oral Interpretation Services

## Oral Interpretation:

- Available for important EA communications and documents that have not been translated into the family's language.
- HLC provides free oral interpretation in its offices and by calling **(617) 573-1106 and pressing the number for language.**  
**(Spanish, Portuguese, Cape Verdean Creole & Haitian Creole)**
- Telephone interpretation service available in all shelters.
- Friends and family cannot be asked to interpret.
- HLC and shelter staff may interpret if they are fluent in the family's language.



# LEP: Written Translation

- Vital documents have been translated into various languages.
  - Spanish
  - Haitian Creole
  - Portuguese
  - Cape Verdean Creole
  - Arabic
- Only the standardized portions of documents are translated, though – not narrative portions.
- Families have the right to have any untranslated portions of documents orally read to them in their primary language.

# 2017 Massachusetts Commission Against Discrimination Settlement

- Massachusetts Law Reform Institute and the Massachusetts Immigrant and Refugee Advocacy Coalition brought a case with the Massachusetts Commission Against Discrimination against DHCD (HLC's predecessor) for failure to provide language access in the EA program.
- Among other things, the settlement resulted in the creation of:
  - **Language Access Plan**
  - **Language Access Coordinator position**
  - **Complaint procedure**
  - **System to identify, track and record family's preferred language**

# 2017 MCAD Settlement (cont.)

- Settlement has expired but we want to hear about your experience with:
  - The Language Access Coordinator
  - The complaint process
  - The Babel phone line at HLC (listed on the multilingual notice)
  - Shelters' use of the telephone interpretation services
  - LEP families whose primary language is one of the five listed above receiving or not receiving vital documents in those languages
  - LEP families receiving noncompliance or termination notices, or sanctioned in some other way without required language resources and assistance.

# LEP: HLC Language Access Coordinator and Complaint Procedure

- After the settlement, DHCD appointed a Language Access Coordinator and created a language access complaint procedure.
- Families may contact the Coordinator with language access issues or to file a formal complaint.
- For language assistance applying for EA:  
<https://www.mass.gov/info-details/free-language-assistance>
- Language access complaint form:  
<https://www.mass.gov/info-details/emergency-assistance-ea-family-shelter-resources-and-data>
- Language Assistance information:  
<https://www.mass.gov/lists/language-assistance?auHash=KCI312A-Nc7ydBNd7YA6xEPYbuujV4Mk8NVluXWav4U>
- For problems getting language access, contact Iris Coloma-Gaines at Mass. Law Reform Institute ([icoloma-gaines@mlri.org](mailto:icoloma-gaines@mlri.org))

# **Introduction to HomeBASE**

# What is HomeBASE?

760 CMR 65.00

- Families eligible for EA also generally are eligible for HomeBASE assistance, which generally provides up to \$30,000 over 24 months for housing costs to divert families from entering shelter or to help families exit shelter.
  - This fiscal year, there is new flexibility to provide families additional time and funding beyond the general benefits caps.
- HomeBASE funds can be used for housing stabilization.
  - First month's rent, last month's rent, security deposit
  - Furniture
  - Ongoing help with rental payments in private housing
- Each family is matched with a Housing Stabilization worker.
  - Must enter into a "Participation Agreement"
- NOT considered a housing subsidy program.
  - *In general*, families retain any existing homelessness priorities for state-funded subsidized housing programs while participating in HomeBASE, but not for federally funded subsidized housing programs.

# How Does HomeBASE work?

- As funding for “shelter diversion,” or
- To help a family exit shelter.
- If family is moving into subsidized housing, they can use HomeBASE for furniture and other “startup” costs, but not as an ongoing subsidy.
- Most families use HomeBASE to rent apartments from private landlords.
- The HomeBASE agency pays their share directly to the landlord each month.

# Obligations of HomeBASE Participants

*760 CMR 65.03(6)*

- Enter into a Participation Agreement and a Stabilization plan.
  - Similar required activities to those families in EA shelter, but the requirements for savings and 30 hours per week of self-sufficiency work do not apply.
  - Families are required to address financial responsibility, job training, employment, and educational needs.

# What Happens When HomeBASE Ends?

- Under FY24 budget language, HomeBASE funds now can be provided for more than 24 months.
- When HomeBASE was time-limited, there was no automatic return to shelter if HomeBASE ended, but families also did not face a bar to reentering shelter.
- A nonpayment eviction after HomeBASE ends does not fall under the category of an “Excused Fault Eviction” for EA eligibility.
  - HomeBASE is not considered income.

# “For cause” HomeBASE Terminations

- Rejecting safe, permanent housing without good cause.
- “Substantially and materially” violating stabilization plan, lease, or participation agreement 2 or more times without good cause.
  - Includes failure to attend a meeting without good cause, but only if there was at least two days written advance notice of the meeting.
  - Includes nonpayment of rent or utilities.

# “For cause” HomeBASE Terminations (cont.)

- One instance of:
  - Criminal conduct or destruction of property by a family member or guest
  - Possession of unlawful firearm in unit
  - Conduct that threatens the health and safety of the landlord, staff, or neighbors
  - Abandoning the unit
  - Unauthorized resident

# Categorical Ineligibility for HomeBASE

*760 CMR 65.05(1)(r); FY23 budget line item 7004-0108*

- Must remain categorically eligible.
  - No longer having a child under 21 in the household.
    - Birthdays, loss of custody, or removal of children by the Department of Children and Families may cause termination for categorical reasons.
- The FY24 budget includes language that eliminates the income eligibility limits for families once they are enrolled in HomeBASE.
  - This allows families to maximize their incomes without fear of the cliff effect.

# Appealing a HomeBASE Termination

*760 CMR 65.07*

- A family that receives a Notice of Termination must make a written request for an appeal hearing to the administering agency within seven days after the notice has been given to applicant.
  - Any notice mailed is deemed received three days after mailing.
- Agency will then schedule a hearing within 15 days.

# Appeal Hearing Procedure

*760 CMR 65.07(4)*

- Hearing officers are appointed by the HomeBASE administering agency.
- Hearings are informal; relevant information can be put into evidence through testimony or written material.
- Hearings should be recorded, as required by HLC.
- Written decision issued within 14 days.

# Test Your Knowledge

- A family received one year of HomeBASE in fiscal year 2023. Can they receive additional funds now?
- A family has run out of HomeBASE funds. Can they return to shelter?

# Other Resources

# Residential Assistance for Families in Transition (RAFT)

- Short-term rental and/or utility assistance to low-income families and individuals who are experiencing or at risk of homelessness
  - RAFT is directly funded at \$190 million for FY24.
  - Income limit: Generally 50% Area Median Income but up to 60% AMI for families and individuals at risk or experiencing domestic violence
- RAFT can be used for:
  - Moving costs, including 1<sup>st</sup> month's rent, last month's rent, and security deposit
  - Rent, utility , and mortgage arrears
  - Other needs that promote housing stability, such as transportation costs and vehicle repair
- Starting on July 1, 2023, households now only can receive up to \$7,000 in a 12-month period (down from \$10,000/year) and households cannot use RAFT to pay for forward rent.
- Since August 1, 2022, households must provide a notice to quit (NTQ) if applying for back rent.
- Must show that RAFT will resolve the current housing crisis (but are not required to demonstrate future housing sustainability)

# Tenancy Preservation Program (TPP)

- Homelessness prevention program that operates collaboratively with the Housing Court Department, as a neutral party to the landlord and tenant.
- TPP works with individuals and families with disabilities, behavioral health disorders, and complex health needs, facing eviction because of behavior related to the disability or condition, by:
  - Assessing reason for the eviction
  - Identifying services that are needed
  - Developing treatment plan
  - Monitoring case
  - If necessary, facilitate referral to other agencies to prevent homelessness.
- TPP is administered by five regionally designated non-profit organizations, in consultation with the Housing Court Department.
- Referrals can be made at any time by anyone. Landlords and providers can make upstream referrals, prior to a Notice to Quit.

Information at <https://www.mass.gov/info-details/tenancy-preservation-program>

# **Legislative and Systemic Advocacy Opportunities**

# Legislative Campaigns: State Budget

- The Legislature sets many of the expectations and parameters of the EA and HomeBASE programs through the state budget process
  - EA line item: 7004-0101
  - HomeBASE line item: 7004-0108
- For state fiscal year 2024 (FY24, the current fiscal year), we worked to maintain key line item language, increase funding, and make improvements to the programs.
  - The Legislature included:
    - Language to generally provide up to \$30,000 in HomeBASE benefits to families over a 24-month period, instead of \$20,000 over two years, plus additional flexibility so that families can access additional funds beyond \$30,000 and more time beyond 24 months.
    - Language to ensure that families do not have to first stay in places not meant for human habitation before accessing EA
    - Requirements for better data collection for the programs, including more in-depth data on race and ethnicity of households served and denied
- We will be kicking off the FY25 campaigns in late fall/early winter and are working on securing needed supplemental funding for FY24.

# Legislative Campaigns 2023–2024: EA Bill

- This session, we worked to push for passage of **An Act improving emergency housing assistance for children and families experiencing homelessness**: House Bill 145, filed by Representative Marjorie Decker, and Senate Bill 86, filed by Senator Adam Gomez.
- **What would this bill do?**
  - Families in immediate need of shelter would be offered shelter placements the same day they apply, if they appear to be eligible.
  - The Department of Transitional Assistance (DTA) and HLC would share information to reduce barriers to entry by streamlining the verification process.
  - During states of emergency, like the recent COVID-19 state of emergency, HLC would suspend shelter terminations, and allow families that are otherwise eligible to access EA again even if they had been in shelter in the past year.
  - An ombudsperson unit within HLC would respond to and resolve problems experienced by families applying for and participating in EA and HomeBASE, and report systemic problems to the Legislature.

# Legislative Campaigns 2023–2024: EA Bill (cont.)

- **Status of bill:** The bill was assigned to the [Joint Committee on Children, Families, and Persons with Disabilities](#) on February 16, 2023. The bills were heard by the Committee on June 13, 2023.
- **Read more about the bill:**
  - Fact sheet: <https://mahomeless.org/wp-content/uploads/2023/09/EA-bill-fact-sheet-9-19-23.pdf>
  - House bill text: <https://malegislature.gov/Bills/193/H145>
  - Senate bill text: <https://malegislature.gov/Bills/193/S86>
- **Have your organization endorse the bill:** <https://tinyurl.com/ea2324>

# Legislative Campaigns 2023–2024: HomeBASE Bill

- We are pushing for passage of **An Act promoting housing stability for families by strengthening the HomeBASE program**, House Bill 1297, filed by Representative Christine Barber, and Senate Bill 890, filed by Senator Liz Miranda.
- **What would this bill do?**
  - Put the HomeBASE program into state statute
  - Direct HLC to provide renewals of HomeBASE rental assistance in 12-month increments to families and children who otherwise would be facing a return to homelessness, continue to meet basic eligibility guidelines, and are in good standing in the program
- **Status of the bill:** The bills were assigned to the [Joint Committee on Housing](#) on February 16, 2023. The bills were heard by the Committee on June 26, 2023.
- **Read more about the bill:**
  - Fact sheet: <https://mahomeless.org/wp-content/uploads/2023/09/HomeBASE-bill-fact-sheet-9-19-23.pdf>
  - House Bill text: <https://malegislature.gov/Bills/193/H1297>
  - Senate Bill text: <https://malegislature.gov/Bills/193/S890>
  - Organizational endorsement form: <https://tinyurl.com/homebase2324>

# Legislative Campaigns 2023–2024: RAFT Bill

- We also are pushing for passage of **An Act providing upstream homelessness prevention assistance to families, youth, and adults**, House Bill 1312, filed by Representative Marjorie Decker, and Senate Bill 856, filed by Senator Brendan Crighton.
- **What would this bill do?**
  - Put the RAFT program into state statute
  - Ensure that benefits are available to households earlier in a housing or utility crisis
  - Streamline RAFT access
  - Improve cross-agency collaboration
  - Allow households to access the resources needed to clear arrearages without arbitrary caps on maximum assistance
- **Bill status:** The bills were assigned to the [Joint Committee on Housing](#) on February 16, 2023. The bills were heard by the Committee on June 26, 2023.
- **Read more about the bill:**
  - Fact sheet: <https://mahomeless.org/wp-content/uploads/2023/09/RAFT-bill-fact-sheet-9-19-23.pdf>
  - House Bill text: <https://malegislature.gov/Bills/193/H1312>
  - Senate Bill text: <https://malegislature.gov/Bills/193/S856>
  - Organizational endorsement form: <https://tinyurl.com/raft2324>

# Legislative Campaigns 2023–2024: Housing and Other Priorities

- Working with Homes for All Massachusetts, legal services, and other partners, we support key legislative priorities related to housing and other supports/resources.

<https://www.homesforallmass.org/>

- Some priority policies:
  - Rent control/rent stabilization with just cause eviction
  - Mandatory mediation before foreclosure
  - Real estate transfer fee
  - Access to counsel in evictions
  - Eviction record sealing
  - Tenant Opportunity to Purchase (TOPA)
  - Food and cash assistance benefits for immigrants

# Legislative Campaigns

- Find out more by joining the Massachusetts Coalition for the Homeless' email list or going to our website.
  - <https://mahomeless.org/legislative-priorities-2023-2024/> and <https://mahomeless.org/new-advocacy/>
  - Sign up for policy advocacy emails [here](#).
- The Coalition holds monthly meetings on policy and practice issues, generally the final Friday of each month.
  - Next meeting: Friday, October 27th, 10–11:30 a.m.
  - Meetings currently are held via Zoom.
  - For more details on the Housing and Benefits Committee meetings, see <https://mahomeless.org/advocacy-committee-meetings/> or email Julia at [julia.garvey@mahomeless.org](mailto:julia.garvey@mahomeless.org)

# Online Resources

## HLC Emergency Assistance (EA) and HomeBASE information

- Emergency Housing Family Resources and Data: resources and information including statutes, regulations, policy notices, EA data, language assistance information, Shelter Rules and forms, and DCF Memorandum of Understanding:  
<https://www.mass.gov/info-details/emergency-assistance-ea-family-shelter-resources-and-data>
- Apply for emergency shelter:  
<https://www.mass.gov/how-to/find-emergency-family-shelter>
- Housing Stabilization Notices:  
<https://www.mass.gov/service-details/housing-stabilization-notices>
- HomeBASE Information:  
<https://www.mass.gov/service-details/homebase>
- DTA Non-Citizen Desk Guide:  
<https://www.masslegalservices.org/content/dta-non-citizen-desk-guide>

# Online Resources (cont.)

## Other housing assistance

- Information about rent, utility and mortgage assistance:  
<https://www.mass.gov/applying-for-rental-assistance-in-massachusetts-to-avoid-eviction>
- Information about RAFT, Residential Assistance for Families in Transition:  
<https://www.mass.gov/service-details/residential-assistance-for-families-in-transition-raft-program>
- RAFT Administrative Plan, FY24 (effective July 12, 2023):  
<https://www.mass.gov/doc/raft-admin-plan-effective-july-12-2023/download>
- Town-by-town search for local Regional Administering Agencies (RAAs) and local Area Median Incomes (AMI): <https://hedfuel.azurewebsites.net/raa.aspx>
- MassLegalServices, Emergency Assistance, HomeBASE & Emergency Shelter library:  
<https://www.masslegalservices.org/library/directory/benefits/emergency-assistance-homebase-short-term-assistance-emergency-shelter>

# Questions? Stay in Touch!

- Andrea M. Park: [apark@mlri.org](mailto:apark@mlri.org)
- Kelly Turley: [kelly@mahomeless.org](mailto:kelly@mahomeless.org)
- Liz Alfred: [ealfred@gbls.org](mailto:ealfred@gbls.org)
- Catherine Ady-Bell: [cadybell@cwjustice.org](mailto:cadybell@cwjustice.org)
- Talya Guenzburger: [guenzburger@gbls.org](mailto:guenzburger@gbls.org)

Thank you for joining us today!