



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

To: DHCD Field Staff
From: Robert Pulster, Associate Director
Date: June 2010
RE: Housing Stabilization Notice 2010-01, Guidance on Additional Adult Household Members

This Housing Stabilization Notice discusses how to address additional adult household members. Each EA household must contain at least one adult (over the age of 18) and one or more children (under the age of 21), which can include an unborn child for a pregnant woman. Many households have more than one adult household member. Division of Housing Stabilization (“DHS”) regulations provide the Division with considerable discretion in determining whether additional household members should be included in the household composition of the EA household. This Notice provides guidance on how to exercise that discretion when treating additional adult household members as separate individuals.

Introduction, situations giving rise to treatment of additional adults in EA families as individuals

In general, EA households (“families”) are treated as a unit under EA regulations. A number of similar situations have arisen recently, however, in regard to the treatment of adult members of EA families as individuals, rather than as members of their respective families. Upon intake, EA regulations give the Division discretion to place certain extra adult family members (other than the immediate caregivers for the children) with the family, or to exclude them from the determination of the EA family composition. 106 C.M.R. § 309.020 (A) (1). The new Form EAR-1 (for “Extra Adult Relative” (EAR)) should be used in evaluating this situation.

In addition, EA regulations only directly address families that present to the EA program as intact units upon initial placement, and do not directly address how to add additional adults to an existing EA family after initial placement. Department of Transitional Assistance Field Operations Memoranda (“FOM”) provide minimal guidance for addressing this issue, other than saying that addition of new adult members to existing EA families is to be determined by field supervisors in consultation with the Placement Unit. *See* FOM-2008-71. The new Form PAAHM-1 (for “Proposed Additional Adult Household Member” (PAAHM)) addresses in greater detail how to consider these situations.

Previously, many EA offices used the Form NFL-9 for grants or denials of assistance to address the EAR and PAAHM. The NFL-9 Form is not well suited to these Division actions because it addresses action involving the entire EA family, not individual family members. The EA program statute and regulations is based on providing benefits to “families” (the term used in G.L. c. 23B, § 30), which has been defined in the EA regulations as families that constitute “households.” 106 C.M.R. § 309.020. Ordinarily, a “family” for these purposes means a group of people related by blood or marriage living together under one roof and one unified management.

Similarly, the NFL-9 Form is not well suited to address situations when an individual adult household member may be best sheltered separately in an individual adult shelter. 106 C.M.R. § 309.040 (C) (2) (c). In those circumstances, the Associate Director of DHS or his or her designee may determine that alternative sheltering arrangements are appropriate for one or more adult members of an EA family containing two or more adults. Sometimes, if there is a history of serious criminal conduct or domestic violence, this is a decision that may be made at the time of intake. More often, the need for alternative sheltering arrangements arises after a family enters shelter together and a serious incident occurs which raises concerns about the appropriateness of one or more adult family members remaining in the family shelter setting. If that is the case, shelter staff or the family’s homeless coordinator may initiate a request to shelter an individual adult household member separately by writing a letter to the Associate Director of DHS detailing the dates of any relevant incidents, the applicable facts and circumstances, and reasons that a separate individual adult shelter may be a more appropriate setting for that individual. Often, one adult household member may want to initiate a request that another adult household member be sheltered separately. In that case, the individual initiating the request should inform the family’s homeless coordinator, who should relay the relevant information in letter format to the Associate Director.

These new forms—EAR-1 and EAR-2 and PAAHM-1 and PAAHM-2—are addressed to situations involving a single adult proposed family member. The forms all involve the individual’s relationship to an existing family—whether an individual should be considered a member of the family if not an immediate family member, whether a group of related individuals who have not previously resided together can constitute a newly formed family upon application for EA, and whether an individual who has not previously been a member of a family can be added to the family composition after the family has entered the EA program. This Housing Stabilization Notice provides additional guidance in implementing these new forms.

I. Forms EAR-1 and EAR-2, Request to Include Extra Adult Relative

Form EAR-1, Request to Include Extra Adult Relative in Household Receiving Emergency Assistance Temporary Emergency Shelter Benefits, should be used to evaluate whether the Associate Director of DHS or his or her designee should determine that extraordinary circumstances exist warranting the addition of an adult relative, who is not a qualified adult, to an EA applicant family’s composition. A qualified adult is a

parent, step-parent, legal guardian, or caretaker relative of a child under the age of 21 in the family. 106 C.M.R. § 309.020 (A) (1). A requested extra adult relative (“EAR”) is any other relative that the EA applicant family requests to include in its family composition. Common EAR requests include a grandparent or adult sibling of an EA-eligible child. The EAR-1 form should be filled out by the EA applicant family head of household, as well as the EAR, during the intake process if the applicant includes an adult who is not a qualified adult as a member of the family on intake forms.

The form requests information on the relationship of the EAR to any children in the household (as only relatives qualify under the regulation), whether the EAR has historically resided with the rest of the family (to determine the reality of the child(ren)’s need for the EAR’s assistance and companionship), and how (if at all) the EAR assists in caring for any of the children in the family with critical medical needs. Other information on the form includes questions about issues that might render the household ineligible (such as excess assets) and about indicia that the EAR might assist the family in obtaining safe, permanent housing, such as education, a track record of prior permanent housing, lack of criminal history, and lack of domestic violence history. In addition to reviewing the self-reported information on the form and third-party reports (such as Criminal Offender Record Information and Sexual Offender Registry Board information), the Homeless Coordinator should review the EA family’s existing files, if any, with DHS and other social services agencies for reports of domestic violence.

The primary criteria used by DHCD in determining whether to include an EAR in an EA Household are (1) the ability of the EAR to assist the EA Household in locating and retaining permanent housing and (2) the need to include the EAR as a member of the Household in order to care for any children with critical medical needs.

Critical Medical Needs: If (i) the EAR has a strong history of supportive involvement with a child with critical medical needs, (ii) the family has historically relied on the EAR to provide a substantial amount of assistance with caring for those critical medical needs, (iii) the qualified family members (other children in the family, parents, step-parents, legal guardians, or caretaker relatives recognized as such by another government agency) are not able to address those critical medical needs adequately without the EAR, and (iv) the EAR does not have a history of criminal activity or as a perpetrator of domestic violence, extraordinary circumstances may exist warranting the inclusion of the EAR in the EA family.

Ability to Assist in Rehousing: If (i) the EAR has strong positive indicia for rehousing the family (strong employment history, strong history of positive involvement with the family, good educational background and/or current active pursuit of education, strong housing history without for-cause evictions); (ii) the family is able to demonstrate strong needs for continuing involvement of the EAR with the family, such as assistance in childcare and/or education of the children; and (iii) the EAR lacks negative indicia for rehousing the family (criminal history, domestic violence history), extraordinary circumstances may exist warranting the inclusion of the EAR in the EA family.

Form EAR-2, Notice of Approval or Denial of Request to Include Extra Adult Relative in Household Receiving Emergency Assistance Temporary Emergency Shelter Benefits, provides a formal way to notify the EAR and the adult head of household of the Division's decision in response to the Form EAR-1. The Division's Form EAR-2 decision does not need to be made at the same time as the decision to grant or deny the family's application for EA shelter benefits. If the decision to add the EAR has not been made at the time of initial placement of an EA family because additional evaluation time is required, the EAR shall be referred to individual adult shelters until after the Division has evaluated and issued the Form EAR-2 decision. An individual EAR is not entitled to presumptive placement. If the Division does not agree to include the EAR in the family composition, the EAR may appeal the decision, but is not entitled to aid pending the appeal.

If the Division does agree to include the EAR in the family composition after initial placement and the family's current shelter placement does not include sufficient place for the entire family including the EAR, the EAR may join the family in shelter after the Division has transferred the family to a shelter placement appropriate to the family composition including the EAR. The EAR will not be added to the family composition until an appropriate shelter placement can be located for the new family composition. In particular, the EAR will not be added to the family composition if it would require the family to be moved out of shelter into an interim hotel/motel placement.

II. Forms PAAHM-1 and PAAHM-2, Request to Add Proposed Additional Adult Household Member

Form PAAHM-1, Request to Add Proposed Additional Adult Household Member to Household Receiving Emergency Assistance Temporary Emergency Shelter Benefits, should be used to evaluate whether extraordinary circumstances exist warranting the addition of an adult relative to the household composition of an existing EA household. Historically, such determinations had been made initially by supervisors in the field, subject to review and approval by the Central Office Placement Unit. *See* FOM 2008-71. This procedure will be continued and be formalized with the introduction of the PAAHM-1 and PAAHM-2 forms. The Associate Director may at a later date designate another office or individual within the central office staff, other than the Placement Unit, to give final approval for addition of a new household member to an existing EA family.

Note that only qualified adult relatives (a parent, step-parent, legal guardian, or caretaker relative of a child under the age of 21 in the family) and those additional relatives eligible for EAR status may be added to the family composition of an existing EA family. Unrelated individuals may not be added to a family composition. This includes the current boyfriend of an adult EA beneficiary when the boyfriend is not the father of one of the children in the family. Even when the PAAHM is a qualified adult relative or EAR eligible, the expansion of homeless families while in the EA system adds to homelessness. PAAHMs are new adults seeking to join a homeless EA household even though they were not members of the applicant family when it was granted benefits.

Often, individual adults in those circumstances may more readily locate alternative feasible housing than an entire family.

Longstanding EA policy has required applicant families to have resided together as a household immediately before becoming homeless or to join together as a new household upon application, for example when a husband and wife had each resided with their respective parents before marriage, and neither spouse's parents has room for a married couple with children after the marriage. A new adult joining an existing homeless family while that family is already in shelter and receiving rehousing counseling may disrupt a delicate balance of services, often encapsulated in a negotiated rehousing plan. This proposed additional adult household member ("PAAHM") was not part of the family initially made homeless or that came together in homelessness. The addition must be carefully considered, with the primary considerations being the ability of the PAAHM to assist the EA family in locating and retaining permanent housing and the ability of the PAAHM to assist with care for critical medical needs of children in the EA Household. Similar to adding an EAR upon application for EA shelter benefits, addition of an EAR or otherwise qualified family member *after the initial application*, is a change to an existing family and requires extraordinary circumstances.

The Form PAAHM-1 should be filled out by the existing EA head of household and the PAAHM and submitted to the Homeless Coordinator. The form requests information on the relationship of the PAAHM to any children in the household, as only relatives qualify under the regulation. Other information on the form includes questions about issues that might render the household ineligible, such as excess assets. The form requests information on indicia that the PAAHM might assist the family in obtaining safe, permanent housing, such as prior residence together as a member of the family, education, commitment to the family unit (evidence of marriage, acknowledgment of paternity, adoption, or support obligations to members of the existing EA household), a track record of prior permanent housing, lack of criminal history, and lack of domestic violence history. In addition, the form requests information on how the PAAHM might be able to assist with care for critical medical needs of children in the EA Household, which is an separate ground for granting the PAAHM's request in those cases where one of the needy children in the EA household has critical medical needs that the original head of household is unable to provide for completely on his or her own. The final question of the Form PAAHM-1, "Please provide any other information," permits the EA head of household and PAAHM to provide additional background information that they think may be useful to DHS in making its determination.

Situations in which a PAAHM is needed to provide additional care and support include cases when the presence of the PAAHM will be able to assist with newly developed medical concerns that the original adult household member is unable to address on his or her own, such as a child's newly diagnosed or recently exacerbated critical medical condition. Approval of a PAAHM under this criterion requires (1) that at least one child in the EA Household have a critical medical need and (2) that the PAAHM have the skills and the ability to provide significant assistance to the original adult household member with the care of the child with critical medical needs. In addition to reviewing the self-reported information on the form and third-party reports

(such as Criminal Offender Record Information and Sexual Offender Registry Board information), the Homeless Coordinator should review the existing EA family's files with DHS and other social services agencies for reports of domestic violence.

If (a) (i) the PAAHM has strong positive indicia for rehousing the family (strong employment history, good educational background and/or current active pursuit of education, commitment to the family unit, strong housing history without for-cause evictions), or (ii) the PAAHM will be able to provide significant assistance with a critical medical need of a child in the EA family that the original adult family member is unable to provide; and (b) the PAAHM lacks negative indicia for rehousing the family (criminal history, domestic violence history), extraordinary circumstances may exist warranting the addition of the PAAHM in the EA family. If the PAAHM is not a qualified family member and would have qualified as an EAR upon initial placement, the family should also demonstrate strong needs for involvement of the PAAHM with the family, such as assistance in childcare and/or education of the children.

Form PAAHM-2, Notice of Approval or Denial of Request to Add Proposed Additional Adult Household Member to Household Receiving Emergency Assistance Temporary Emergency Shelter Benefits, provides a formal way to notify the PAAHM and the EA head of household of the Division's decision on the Form PAAHM-1. If the Division does not agree to include the PAAHM, the PAAHM may appeal the decision, but is not entitled to aid pending the appeal. If the Division does approve the addition of the PAAHM to the family and the expanded family composition is inappropriate at the family's current EA shelter placement, the PAAHM may join the family in shelter only after the family has been transferred to a shelter with appropriately configured space for the new family composition.

Conclusion

EA benefits are provided to families that constitute households. The relationship of individuals to that family are not always clear, particularly when the family may not have had a history of residing together as a household. In these cases, DHS has difficult decisions to make in determining whether an individual adult who may have historically been a member of the family continues to be a beneficial and contributing member of the family who will aid in its rehousing efforts (Form EAR) and whether someone who has not historically been a part of the family should be permitted to join the family in shelter (Form PAAHM). These new forms should help provide clarity and insight in addressing these difficult issues.