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Executive Office of Health and Human Services
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Field Operations Memo 2001-10
February 21, 2001

TO: Transitional Assistance Office Staff
FROM: Joyce Sampson, Assistant Commissioner for Field Operations
RE: State Letter 1200 - Emergency Assistance Regulations

Background

As a result of a lawsuit challenging the changes made in State Letter 1198, Judge Cratsley of the Superior Court has enjoined enforcement of one portion of the reorganized February 2, 2001 Emergency Assistance regulations. Consequently, 106 CMR 309.040 (A)(3) of the newly promulgated regulations should not be enforced until further notice.

A secondary effect of the injunction was to reinstate 106 CMR 309.020(F), (G) and (H) of the old regulations. These regulations addressed the 12-month rule for EA eligibility.

This memo is being issued to explain the difference between the two 12-month rules: the old, reinstated rule and the new, banned rule.

**12-Month Rule
Reinstated in
SL 1200**

The Department reinstated the old regulations in State Letter 1200, effective February 12, 2001 as 106 CMR 309.020 (J), (K), and (L).

The reinstated regulations state an EA AU may not be authorized to receive EA benefits more than once in a 12-month period unless one of three situations occur. (See 309.020(K)(1), (2) and (3) for the three exceptions.) This is the 12-month rule that had been applied prior to SL 1198.

**12-Month Rule
Reinstated in
SL 1200
(continued)**

Therefore, if the EA AU was authorized shelter benefits on 3/1/2000 which end on 10/30/2000, not being authorized for EA more than once in a 12-month period means the AU is not eligible until 3/1/2001, excluding the three exceptions to this rule.

Also reinstated as 309.020(M) (previously 309.040(A)(1)) is the regulation that states an EA AU terminated from shelter for noncompliance reasons is ineligible for EA for the remainder of the 12 months.

**12-Month Rule
Banned in SL
1198**

The 12-month rule the judge banned enforcement of in 106 CMR 309.040(A)(3), **the now grayed-out section**, stated an EA AU is ineligible for temporary emergency shelter benefits if, within 12 months prior to this shelter request, it received an EA benefit, unless one of four situations occur.

Questions

If you have any questions, please have your Policy Hotline designee call the Policy Hotline at (617) 348-8478.
