



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

To: DHCD Field Staff  
From: Rose Evans, Associate Director *(RE)*  
Date: August 20, 2013  
RE: Housing Stabilization Notice 2013-07B, Guidance on Verification of Domestic Violence

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**Introduction**

This Housing Stabilization Notice (HSN) explains how Homeless Coordinators are to verify domestic violence when domestic violence is one of the reasons for homelessness for purposes of qualifying for Emergency Assistance (EA) temporary emergency shelter benefits. Pursuant to 760 C.M.R. § 67.06 (1) (a) 1., a family may become eligible for EA if it: “is at risk of domestic abuse in its current housing situation or is homeless because the head of household previously fled domestic violence.” To be clear, the regulation states there are two groups of domestic violence survivors who are eligible for EA: 1) those who are currently at risk in their current housing; AND 2) those who have already fled, but who have been homeless since leaving. For the second group eligibility is NOT dependent upon current risk.

**Summary**

Relationships involving domestic violence may differ in terms of the severity of abuse, but incidents of domestic violence meeting the definition in this HSN and verified as provided will all be considered qualifying forms of domestic violence in order to access EA temporary emergency shelter on the basis of domestic violence. When analyzing an EA application based on domestic violence, the homeless coordinator should bear in mind that domestic violence is typically associated with a pattern of coercive control by the perpetrator over the victim. This pattern is typically manifested through the establishment by the perpetrator of control and fear in his or her relationship with the victim through the use of violence *and* other forms of abuse detailed in the definition of domestic violence contained in this HSN. This HSN supersedes and renders obsolete HSN 2012-07A.

### **Verification**

760 C.M.R. § 67.06 (1) (e) 5. allows DHS to issue guidance as to appropriate verifications for “domestic abuse” and “domestic violence.” When a Homeless Coordinator is considering a family’s application for EA temporary emergency shelter on the grounds that the family left its housing due to domestic violence, or is currently at risk in its current housing, the applicant must provide at least one but not all of the following documents in order to verify domestic abuse or domestic violence.<sup>1</sup> Furthermore, the applicant does not have to produce these documents to establish presumptive eligibility. See section on presumptive eligibility. Any document submitted must be determined by the homeless coordinator to be reliable and authentic.

- Medical documentation of injuries or other medical conditions likely to have been caused by, exacerbated by, or related to domestic violence or the deprivation of medical care;
- Third-party professional documentation—from a licensed therapist, counselor, domestic violence professional/advocate, director of a social service agency, or a member of the clergy acting in a counseling role—based upon the professional judgment of the third-party professional. The third party professional when providing an opinion may rely upon written statements of individuals including family members, friends, landlords, co-workers, neighbors or others with first-hand knowledge of the domestic violence, or to whom the applicant family confided about the domestic violence, or who provided temporary refuge to the, applicant family, or who had other cause to know about the domestic violence.
- Police reports substantiating facts consistent with domestic violence as defined in 760 CMR 67.06(1)(f)1;
- Court reports;
- Documentation of attempt(s) to obtain a domestic violence restraining order from the court, whether or not the restraining order was granted, including application

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<sup>1</sup> Although the budget line item refers to both “domestic abuse” and “domestic violence,” the terms are considered equivalent for purposes of EA eligibility. The term “domestic violence” will be used in this Housing Stabilization Notice as the more common of the terms.

- and substantiating documentation and/or documentation showing status and results of an application;
- Documentation of any legal action indicative of domestic violence against the applicant, including copy of pleadings and substantiating documentation filed;
  - Documentation of initiation of other legal action indicative of the existence of domestic violence;
  - Letter from attorney, summarizing the status and allegations of a legal case initiated, including substantiating documentation;
  - Documentation showing requests for, or actual, change of residence, when documentation verifies that the reason for the request or move was domestic violence;
  - A finding within the past 12 months by the Department of Transitional Assistance of good cause for exemption from time-limited TAFDC benefits, family caps, or child support payments on the basis of domestic violence under 106 CMR § 201.110, **provided that it can be determined from the finding that the underlying domestic violence meets the definition of domestic violence in this HSN and that the finding is made with the level of reliability required by this HSN.**
  - Other forms of third-party verification of similar authenticity and reliability to those listed above.

***Presumptive Eligibility:***

Eligibility for EA based on domestic violence is subject to presumptive eligibility. See 760 C.M.R. § 67.06 (1) (c); DTA Field Operations Memo 2006-49. Therefore, an applicant family that is not able at the time of initial application to provide sufficient third-party written verifications, as detailed in the Summary, to establish full eligibility at the time of application may obtain presumptive placement if the applicant provides credible personal statements that, if relied on, would meet the standard of sufficiency required for EA eligibility based on homelessness due to domestic violence. Such a family must be otherwise EA-eligible to qualify for presumptive placement.

A family granted presumptive placement based on self-verification of domestic violence has 30 days from the date of grant of presumptive eligibility to provide sufficient credible third-party verifications, as detailed in the Summary, that domestic violence was the cause of the family's homelessness. Families who fail to provide sufficient third-party verifications of domestic violence as the cause of homelessness within 30 days of the grant of presumptive eligibility should be denied on the Form NFL-9-AD for failure to provide adequate verifications within 30 days of presumptive placement.

***Definitions***

This HSN provides additional guidance on the interpretation of the terms 'domestic violence' and 'domestic abuse' as used in 760 CMR 67.07 (1) (f) 1.

(1) For purposes of this definition, "domestic violence" and "domestic abuse" mean the occurrence of one or more of the following acts between intimate partners, family members, or household members:<sup>2</sup>

- (a) physical acts that resulted in, or threatened to result in, physical injury;
- (b) attempting to cause or causing physical harm;
- (c) placing another in fear of imminent serious physical harm;
- (d) causing another to engage involuntarily in sexual relations by force, threat or duress;
- (e) sexual activity involving a dependent child of one or both of the intimate partners;
- (f) threats or attempts at physical or sexual abuse;
- (g) a pattern of coercive control;
- (h) neglect or deprivation of medical care; or
- (i) stalking.

See 106 C.M.R. § 203.110 (A),

G.L. c. 209A, § 1 (definition of *abuse*).

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<sup>2</sup> Note that violence by other household members, aside from intimate partners, is covered as a form of health and safety violation when the applicant is not a primary tenant and by the applicant's right to exclude when the applicant is a primary tenant.

For purposes of this definition, “intimate partner” means:

a current or former spouse of the applicant, a person with whom the applicant shares a child in common, a person who is cohabitating with or has cohabitated as a couple in an interdependent relationship that is intended to be long term, or a person who is or has been in a substantive dating or engagement relationship with the applicant, which shall be determined based on consideration of the following factors: (1) the length of time of the relationship; (2) the type of relationship; (3) the frequency of interaction between the parties; and (4) if the relationship has been terminated by either person, the length of time elapsed since the termination of the relationship.

*See* 42 U.S.C. § 13925 (a) (6) (federal Violence Against Women Act); G.L. c. 209A, § 1, *family or household member* (e).

For purposes of this definition, family or household member means individuals who:

- (a) are or were married to one another;
- (b) are residing together in the same household;
- (c) are or were related by blood or marriage;
- (d) have a child in common regardless of whether they have ever married or lived together

*See* G.L. c. 209A, § 1, *family or household member* (a)–(d).

For purposes of this definition, “stalking” means:

- (1) willfully and maliciously engaging in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, *and* (2) making a threat with the intent to place the person in imminent fear of death or bodily injury.

*See* G.L. c. 265, § 43.

For purposes of this definition, a pattern of “coercive control” means:

- (1) willful or knowing acts, courses of action, or demands and credible threats;
- (2) with intent to establish and maintain power and control over the life, decisions, relationships or activities of an intimate partner; and
- (3) that reasonably would cause a person in the situation to engage in conduct in which that person otherwise would not, or to abstain from conduct in which that person otherwise would, engage.

See Jeffrey R. Baker, *Enjoining Coercion: Squaring Civil Protection Orders with the reality of Domestic Abuse*, 11 J. L. & Fam. Stud. 35, 59 (2008).

## **Discussion**

### ***Use of Verifications***

In order to demonstrate that a family became homeless because of domestic violence, the applicant must demonstrate that:

- (1) the applicant has been displaced from, or is at risk in, his or her *primary* residence<sup>3</sup> because of domestic violence;
- (2) the applicant household has demonstrated lack of feasible alternative housing; and
- (3) the alleged perpetrator of the domestic violence is not a member of the EA applicant household;
- (4) in the case of coercive control, that the applicant was determined by a professional to be subject to mental or emotional abuse and the provider must state that there is a connection between the domestic violence and the reason the family cannot stay in its prior residence.

Not all forms of verification listed in the Verification section above are required. Because certain actions on the part of victims of domestic violence can trigger violent acts by the offenders, no particular item can be mandated as the required form of verification. Nevertheless, at least one of the verifications listed in the Verification section must be presented, or another form of third-party verification of similar authenticity and reliability. It is the applicant's responsibility to describe his or her circumstances and provide supporting documentation. If any verification relied upon does not adequately establish the existence of domestic violence, the applicant shall be placed presumptively and the Homelessness Coordinator shall provide a written statement to the applicant about why the documentation is inadequate. The Homelessness Coordinators shall assist the applicant in attaining additional verification that will address this inadequacy or in obtaining additional listed documentation until the Homelessness

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<sup>3</sup> The primary residence is housing that constitutes safe, permanent housing for the applicant family, as described in 760 CMR 67.06 (4) (b) 2.a. and Housing Stabilization Notice 2012-05.

Coordinator determines that the applicant has substantiated or determined that it is not possible to substantiate, based on all the documents submitted, that it is more likely than not that the family is or is not homeless because of domestic violence.

The verification(s) relied upon shall be considered together by the Homeless Coordinator when making a finding about whether the applicant family meets the requirements of the qualified category of EA eligibility based on homelessness due to domestic violence.

When a family discloses Domestic Violence during the intake process the Homeless Coordinator should evaluate the family's eligibility under the Domestic Violence category even if the family has applied under another category (unless the family is found eligible under that other category).

***Meaning of "Previously Fled" Domestic Violence***

A family is considered to have previously fled domestic violence if it left its last housing situation and has not had safe, permanent housing since. A family may obtain intervening housing if the family leaves safe housing because of domestic violence and then obtains safe, permanent housing. *See* HSN 2012-05. If the family obtains intervening housing and then loses it for reasons other than domestic violence, the reason for the family's homelessness is the reason that it lost the intervening housing, not the original permanent housing.

If a family left its last permanent housing more than 60 days prior to application, and has remained continuously homeless since then, the applicant family must provide documentation establishing that domestic violence took place close in time to the date the family left its primary residence.

***Referral to DTA Domestic Violence Specialist for Safety Recommendation/Assessment***

The EA budget line item provides that "a family who receives emergency housing assistance due to domestic abuse shall be connected to the appropriate social service agency." All families who are determined eligible for EA due to domestic violence must be referred to the Department of Transitional Assistance (DTA) Domestic Violence Specialist assigned to the relevant office for a domestic violence assessment. All Families

that are assessed by the DTA Domestic Violence Unit will be referred to a local domestic violence program and /or SAFELINK.

The purposes of the domestic violence assessment are: (1) to assist the DHS Placement Unit in placing a family that has been victimized by domestic violence in a location that balances safety consideration regarding proximity to the perpetrator with other safety and risk factors identified by the victim (e.g. ability for self or child to access specialized medical care, proximity to victim's own family/support system when not associated with the perpetrator, access to employment, child care, school, etc.), and (2) to the extent of their specialized knowledge and depending upon availability of resources, to assist the EA participant and shelter staff in location of appropriate resources. The domestic violence assessment cannot be used to verify the cause of homelessness.

In addition to families who apply for EA benefits due to domestic violence, the Homeless Coordinator should also offer to refer other EA eligible families to the Domestic Violence Specialist for an assessment if, during the application process, the applicant discloses a history of domestic violence that did not directly lead to the family's current homelessness, but that occurred less than thirty days before application or that has left the applicant in fear of being currently at risk of a recurrence of domestic violence. Such an assessment may be used to assist in referral of the family to services, placement, and housing search.

Finally, the Homeless Coordinator should also offer to refer other EA applicant families to the Domestic Violence Specialist if, during the application process, the applicant discloses a history of domestic violence that did not lead to the family's current homelessness, that occurred more than thirty days before application, and that does not leave the applicant in fear of being currently at risk of a recurrence of domestic violence. In such cases, depending upon the availability of resources, the Domestic Violence Specialist may assist the family in referral to appropriate services.

All families accessing EA temporary emergency shelter on the basis of domestic violence should be provided by the Homeless Coordinator with a list of appropriate counseling and other domestic violence supportive services available in the geographic area, as required by the budget line item language. Any time that a family has been

referred to a Domestic Violence Specialist, the Specialist's recommendations, including recommendations to access counseling or treatment or other available services, should be considered when developing the family's rehousing plan under 760 C.M.R. §67.06 (4) (b).

When a family becomes eligible for EA on the basis of homelessness due to domestic violence, the perpetrator may not later be added to the family composition as a proposed additional adult household member (PAAHM) pursuant to HSN 2010-01.

### ***Disqualifications Still Apply***

Eligibility for EA temporary emergency shelter on the basis domestic violence is one of several alternative qualifications for eligibility. A family must still be otherwise EA eligible. Just because an applicant family may meet the requirements for homelessness due to domestic violence does not negate the disqualifying factors involved in review of an EA application. An EA applicant family must still meet the other eligibility requirements of 760 C.M.R. § 67.02 and 760 C.M.R. § 67.06 (1), including the lack of feasible alternative housing. In addition, as with all other EA applications, none of the disqualifying factors listed in 760 C.M.R. § 67.02 (2), (3), (6), (8), or (11) or in 760 C.M.R. § 67.06 (2) may apply.

### **Conclusion**

Domestic violence is a serious situation; however, assertions of domestic violence require reasonable verifications. This HSN attempts to strike a balance by allowing a wide variety of forms of third-party verification of domestic violence, which may be considered individually or together, but which must credibly prove that homelessness was caused by domestic violence. Homeless Coordinators need to be flexible, respectful, and considerate in reviewing applications based on homelessness due to domestic violence, recognizing the acknowledged difficulties that families face when trying to seek help in leaving an abusive situation. The procedures outlined in this HSN should help guide Homeless Coordinators and applicants through the application process in these cases.