

Emergency Assistance (EA) Advocacy Guide

*A Guide to Emergency Shelter and
Re-housing Services for Families with
Children Experiencing Homelessness
in Massachusetts*

Massachusetts Law Reform Institute

September 2020 Edition

© 2020 by Massachusetts Law Reform Institute and Massachusetts
Continuing Legal Education, Inc.
All rights reserved.

Permission to reprint must be obtained from both the Massachusetts Law
Reform Institute and Massachusetts Continuing Legal Education, Inc.

MCLE: 2200260B11
ISBN: 1-68345-167-8
ISSN: 2330-4560

EA ADVOCACY GUIDE

About MLRI

Massachusetts Law Reform Institute (MLRI) provides statewide advocacy and leadership in advancing laws, policies, and practices that secure economic, racial, and social justice for low-income people and communities. MLRI furthers its mission through impact litigation, policy advocacy, coalition building, community lawyering, and public information. In addition, it serves as the poverty law support center for the Massachusetts civil legal aid and advocacy community, providing expertise and support to local legal aid programs, social service, health care and human service providers, and community organizations that serve low income people throughout the state. Find us online at www.mlri.org.

Acknowledgments

MLRI dedicates this Emergency Assistance (EA) Advocacy Guide to the low-income children and their families for whom it was written.

MLRI also dedicates this Guide to our friend and former colleague Ruth Bourquin, the original author of this publication, and to all the advocates in Massachusetts who help children and their families obtain the benefits for which they are eligible, and who work to preserve and protect basic supports for people living in poverty.

MLRI and our BBT trainers honor the legacy of Chief Justice Ralph Gants of the Massachusetts Supreme Judicial Court, a champion in the pursuit of justice for all. Justice Gants possessed a deep sense of humanity and was committed to a fair and equitable judiciary, including for marginalized and disenfranchised people. He understood the many barriers faced by low-income families and worked tirelessly to ensure fair and equal access to the courts. We will do our best to carry his work forward.

The 2020 edition of this Guide was updated by Andrea Park of MLRI, Kelly Turley of Massachusetts Coalition for the Homeless, Elizabeth Alfred of Central West Justice Center, and Laticia Walker-Simpson of Greater Boston Legal Services.

Special thanks to Lena Wilson of MLRI for her work on the production of the Guide.

September 2020

Table of Contents

Introduction	1
Part 1 Emergency Assistance Eligibility	3
1 What is Emergency Assistance (EA)?	3
2 Where can you apply for EA?	4
3 Which families experiencing homelessness are eligible for EA?	5
4 What is the EA income limit?	6
5 What income is and is not counted for EA?	9
6 What is the asset limit for EA?	11
7 What are the EA asset-transfer rules?	13
8 Which families qualify as “homeless enough” for EA?	13
9 What kind of health and safety risk is serious enough to be eligible under category 4?	16
10 Can you be denied emergency shelter even if you are “homeless enough” and are financially eligible for EA?	20
11 Can you get EA if you are not a United States citizen or not a Massachusetts resident?	24
12 What if you do not have proof of your eligibility when you apply for EA?	25
Part 2 EA Placements and Terminations.....	27
13 How long does it take to be placed in EA shelter?	27
14 Where can you be placed if you qualify for EA shelter?	28
15 What if you are denied EA shelter but have no safe place to sleep?	30
16 What are Re-housing and Stabilization Plans?	30
17 When can your emergency shelter benefits be terminated?	33
Part 3 Disability Accommodations	37
18 What if a disability makes it hard for you to meet DHCD rules or use DHCD services?	37
19 What are your rights if DHCD denies your reasonable accommodation request?	39
Part 4 	41
Language Access	41
20 What if you prefer to communicate in a language other than English?	41

Part 5	EA Appeals.....	45
21	What are your EA appeal rights?	45
Part 6	Finding New Housing	49
22	Can you get help keeping or moving to housing?.....	49
Part 7	HomeBASE Terminations and Appeals.....	53
23	What terminations from HomeBASE will bar you from shelter for 12 months?	53
24	How do I appeal a HomeBASE termination?	57
Appendix A:	DTA Offices Where There Are DHCD Staff Providing EA Benefits and Remote Application Number	59
Appendix B-1:	DHCD Field Staff.....	60
Appendix B-2:	DHCD/DHS Central Office Staff	62
Appendix C:	Legal Services Intake Lines for EA/HomeBASE Issues Sorted by Region.....	63
Appendix D:	HomeBASE and RAFT Administering Agencies	64
Appendix E:	Regional Non-Profits Administering Other Housing Services.....	68

Introduction

Emergency Assistance (EA) is the Massachusetts program providing emergency shelter and re-housing services for families with children experiencing homelessness

In 2009, the Massachusetts Legislature transferred responsibility for administering EA from the Department of Transitional Assistance (DTA) to the Department of Housing and Community Development (DHCD). In fiscal year 2012, the Patrick-Murray Administration implemented a program of temporary rental assistance, household assistance, and moving assistance called HomeBASE as an alternative to emergency shelter. HomeBASE currently provides up to \$10,000 per year of household assistance or moving assistance to help EA-eligible families obtain housing instead of shelter, or to exit emergency shelter for housing.

In fiscal year 2013, strict new eligibility criteria were implemented for the EA program, forcing many families – including children – to sleep in cars, parks, emergency rooms, and other dangerous places before being eligible for shelter. *See* “Out in the Cold,” MLRI policy paper, available at <https://www.mlri.org/publications/out-in-the-cold/>. **In fiscal year 2020, the Legislature amended the EA budget language to say that families should be placed “but for having spent 1 night” in a place not meant for human habitation. DHCD has not issued any policy guidance to clarify how this is being implemented, however, and families in this precarious situation report being denied shelter despite having no place to go.**

Families that are denied shelter are not guaranteed any other assistance, although they can apply for up to \$4,000 through the Residential Assistance for Families in Transition (RAFT) program. *See* **Question 21.**

Due to the coronavirus pandemic, as of September 2020, families may only apply by telephone. Prior to this change, the Legislature required that families experiencing homelessness be able to apply for EA in local DTA offices. In spite of this mandate, DHCD has reduced the number of offices where they will take EA applications. **Appendix A** of this Guide includes the locations of the local DTA offices where DHCD staff normally are taking applications as well as the telephone number for

Introduction

families to apply remotely. **Appendix B** includes the names, phone numbers and fax numbers of the DHCD staff at various offices.

The EA regulations refer to some DTA regulations that apply to the TAFDC (family cash assistance) program, including those that govern counting of income. The DTA regulations are available at <https://www.mass.gov/lists/departments-of-transitional-assistance-regulations>.

The EA, HomeBASE, and related DTA regulations are cited in this Guide. Some regulations may change, so always check to be sure you have the most up-to-date version of the regulations and rules.

Also be sure to check the DHCD website for updated information: Emergency Housing Assistance Programs, <https://www.mass.gov/emergency-housing-assistance-programs>; EA Resources, <https://www.mass.gov/service-details/emergency-housing-assistance-resource-information>; Housing Stabilization Notices, <https://www.mass.gov/service-details/housing-stabilization-notices>. You may also check the EA section of the legal services website, www.masslegalservices.org, where you can review historical EA policy materials from DTA and DHCD, which may help you make arguments about how DHCD should interpret the regulations. The EA section is available at <https://www.masslegalservices.org/library/directory/benefits/emergency-assistance-homebase-short-term-assistance-emergency-shelter>.

If you think you are eligible for EA but have problems getting services, or if you receive a notice from DHCD saying your EA or HomeBASE services are being terminated or that you have violated EA shelter or HomeBASE rules, you may want to consult a legal advocate. **Appendix C** includes a list of legal services offices that may be able to help you. Contact the office in your local area.

HomeBASE and RAFT are administered by several regional nonprofit housing organizations under contract with DHCD. A list of those organizations can be found in **Appendix D**.

If you are experiencing homelessness or are at risk of homelessness and need help finding new housing or staying in your housing, you can also contact the regional housing agencies for your area listed in **Appendix E**.

Part 1

Emergency Assistance Eligibility

1 What is Emergency Assistance (EA)?

Emergency Assistance (EA) is a state program that provides certain families with children and pregnant people experiencing homelessness with:

- emergency shelter, and
- help accessing housing.

Currently, most families eligible for EA are also eligible for housing-related assistance called HomeBASE, or the Short-Term Housing Transition (STHT) program.

HomeBASE benefits include:

- up to \$10,000 per year for rent or utility arrears, payments to allow a family experiencing homelessness to stay with another household, first and last month's rent and security deposit, moving expenses, and other costs to allow a family to become or remain housed.

To get HomeBASE, you must first be found eligible for Emergency Assistance, so it is important to complete an EA application even if you only want HomeBASE. HomeBASE is available to help you avoid going into shelter or to help you leave shelter.

See 760 CMR 67 (EA regulations, under the Code of Massachusetts Regulations):

<http://www.mass.gov/hed/economic/eohed/dhcd/legal/regs/760-cmr-67.pdf>

See also 760 CMR 65.00 (HomeBASE regulations):

<http://www.mass.gov/hed/docs/dhcd/hs/hbase/760cmr65homebasedlineaugust2013.pdf>

2 Where can you apply for EA?

The Department of Housing and Community Development (DHCD), through its Division of Housing Stabilization (DHS), runs the EA program, but DHCD workers are located in some Department of Transitional Assistance (DTA) offices and take EA applications there. In addition, DHCD has a telephone line that families can call to apply for EA remotely, if they cannot make it to a local office.

The EA application phone number is **866-584-0653**. See **Appendix A**.

***Note:** At the time of publication, all DTA/DHCD offices are closed due to the coronavirus pandemic. EA applications can only be done by phone.*

Typically, families can apply for EA at the local DTA offices listed in **Appendix A** between 8 a.m. and 4 p.m. each weekday. You may want to call the office to confirm the hours for that day. The state budgets for FY19 and FY20 required DHCD to maintain office locations in the ten cities and towns that had local offices as of January 1, 2018. At the time of publication, the FY21 budget is not yet finalized.

Advocacy Tips:

- ✓ You should call or go to your local DHCD/DTA office as early in the morning as possible since the application process often takes all day.
- ✓ DHCD should take your application the same day you go to apply. If someone tries to send you away without taking your application and you need a place to stay right away, ask to speak to a DHCD Supervisor or contact an advocate immediately.
- ✓ DHCD should ask you which language you prefer to communicate in when you apply. If they do not ask, tell the DHCD worker your

preferred language. If you speak Spanish or another common language, you have the right to receive important documents, including the application, in your language. You have the right to get free oral interpretation from DHCD.

- ✓ DHCD may try to discourage you from applying for EA by suggesting that you stay with friends or relatives. If you have no safe place to go and you appear to meet eligibility rules based on your own statements and other information DHCD has, you have a right to be placed in EA shelter right away. *See Questions 12 and 13.*
- ✓ If you apply for EA but DHCD says you are not eligible, DHCD should give you a written denial notice that explains why you were denied and that you have a right to appeal. *See Question 20.*
- ✓ DHCD does not take EA applications at every DTA office. This may violate state law. St. 2009, c. 27, § 142. If this causes a problem for you, contact an advocate.

3

Which families experiencing homelessness are eligible for EA?

EA is available for some:

- children under age 21 who are experiencing homelessness and their families, including parents, stepparents, other close relatives or legal guardians who are primary caretakers of the child/ren, and/or
- pregnant people at any stage of pregnancy who are experiencing homelessness, and the pregnant person's spouse, *See 760 CMR 67.02(1),*
- who meet financial and other eligibility rules. *See Questions 4-11.*

Note: DHCD has said that you do not need to be married to qualify as a “spouse” or “step-parent”; they can include persons with whom the parent or pregnant person is “involved as a couple in an inter-dependent relationship that is intended to be long-term.” *See Housing Stabilization*

Notice 2011-02 available at

<https://www.mass.gov/files/documents/2016/07/ti/hsn201102.pdf>

4 What is the EA income limit?

For applicants. To be eligible for Emergency Assistance as an applicant, your family's gross monthly income must be below 115% of the federal poverty limit for your family size. The federal government usually increases the amount slightly in January or February of each year.

For participants. The FY20 budget changed the maximum income level for families already in EA shelter to 200% of the poverty level. Participant families are not considered over income until they have exceeded 200% of the poverty level for 90 consecutive days.

As of January 2020, the EA eligibility standards are:

Household Size	EA Eligibility-Applicants: 115% of Federal Poverty Level (monthly)	EA Eligibility-Participants: 200% of Federal Poverty Level (monthly)
1	\$1,223	\$2,127
2	\$1,652	\$2,873
3	\$2,082	\$3,620
4	\$2,511	\$4,367
5	\$2,940	\$5,113
6	\$3,370	\$5,860
7	\$3,799	\$6,607
8	\$4,228	\$7,353
Add'l	\$429 each household member	\$747 each household members

Remember: These limits usually change each January or February so be sure you are using the most recent numbers. You can check for updates at <https://www.mass.gov/service-details/housing-stabilization-notice>

Part 1 ■ EA Eligibility

EA considers your gross income, which is your total income before any tax withholdings or other deductions. *See* 760 CMR 67.02(5). If you are working, DHCD usually asks for your last 4 pay stubs if you are paid weekly or last 2 pay stubs if you are paid every other week. Since most months are not exactly 4 weeks long, to calculate your income DHCD takes your last 4 weekly pay stubs, adds them together, divides by 4, then multiplies that amount by 4.333; or, it takes your last 2 biweekly pay stubs, adds them together, divides by 2, and then multiplies that amount by 2.167. This is the number they generally will use for your monthly gross income.

Weekly pay:	Biweekly pay:
1. Add together last 4 paystubs	1. Add together last 2 paystubs
2. Divide total by 4	2. Divide total by 2
3. Multiply by 4.333	3. Multiply by 2.167

Note: If you are applying for EA and you expect your income to go down soon, DHCD should use the best estimate of income for the next month. *See* 106 CMR 702.920, DTA regulations incorporated into EA regulations through 760 CMR 67.02(5)(b) and 106 CMR 204.290. If you expect your hours or pay rate to decrease, tell DHCD and get a letter from your employer that states what your future pay will be. Families should not give up earned income for the purpose of qualifying for shelter. Reducing earned income without good cause within 90 days of a shelter application can result in a denial of shelter. 760 CMR 67.02(3) and **Question 9**. *See* **Question 5** for a list of what income does and does not count for EA.

Families receiving EA who go over income. If you are receiving EA shelter benefits and your gross income goes over the EA eligibility standard for 90 consecutive days or more, you can continue to receive benefits for six more months from the day you went over income before being terminated from the program (unless you become ineligible for another reason). In the FY20 budget, the Legislature changed the income limit for families who are already receiving EA shelter to 200% of the federal poverty level. You will not be subject to the over-income termination if your income goes back under 200% of the poverty level within 90 days. *See* HSN 2019-2 at

<https://www.mass.gov/files/documents/2019/09/06/200%25%20of%20FG%202019.pdf> and HSN 2020-1 at <https://www.mass.gov/doc/housing-stabilization-notice-2020-1-revised-federal-poverty-guidelines/download>

Part 1 ■ EA Eligibility

If you are over income for 90 consecutive days or more, in order to receive shelter for six months from the date you went over income, you:

- must save the amount of income that is over the income limit (this is in addition to what you must save under your EA Rehousing Plan; *see Question 16*),
- may not withdraw the saved money until you leave shelter (except to pay costs directly related to getting permanent housing or for other purposes approved by your DHCD worker), and
- must follow all other EA rules. *See 760 CMR 67.02(5)(d)-(f).*

In special situations, DHCD may extend your EA benefits beyond the six months, even if your income is over the limit for more than 90 days. *See 760 CMR 67.02(5)(g).* Ask your DHCD worker if you need more time to find housing.

For families receiving HomeBASE. If you are receiving HomeBASE benefits and your gross income goes over the EA eligibility standard, you can continue to receive HomeBASE until your income goes over 50% of the area median income for your area, as long as you are complying with your stabilization plan (*see Question 16*). Annual income equal to 50% of area median income for your area can be found on the “very low income” lines on the “Income Limits” chart available at <https://www.huduser.gov/portal/datasets/il.html>. HomeBASE also provides families six months of ongoing HomeBASE assistance after they exceed the income level.

Advocacy Tips:

- ✓ Before you use any of the money you are required to save while in shelter, ask your DHCD worker or your shelter provider if the spending is allowed and try to get approval in writing.
- ✓ One-time “lump sum” income, such as a personal injury settlement, does not cause a period of ineligibility for EA as it does for Transitional Aid to Families with Dependent Children (TAFDC). *See 760 CMR 67.02(5)(b).*

5

What income is and is not counted for EA?

The EA income rules are generally based on the income rules for the Transitional Aid to Families with Dependent Children (TAFDC) program, but some things count as income for EA that do not count for TAFDC. *See* 760 CMR 67.02(5)(b), citing portions of 106 CMR 204.

- Income that is counted for EA includes:

- **Earned income includes:**

- wages
- tips
- salary
- self-employment income minus business expenses, *see* 106 CMR 204.210(A), and

- **Unearned income, including:**

- Social Security
- unemployment compensation
- veteran's benefits
- income from trusts. *See* 106 CMR 204.210(B).

Note: Income that is counted for EA but not for TAFDC includes Supplemental Security Income (SSI), TAFDC, Emergency Aid to the Elderly, Disabled and Children (EAEDC), and all child support actually received by the household. *See* 760 CMR 67.02(5)(b).

- Income that is not counted for EA includes:

- foster care payments you receive for a foster child,

Part 1 ■ EA Eligibility

- food stamps (SNAP),
- federal higher education (college level) grants, loans and work study,
- other higher education grants and scholarships that cannot be used to meet current living expenses,
- any loan that cannot be used to meet current living expenses,
- training stipends up to \$130 per month,
- reimbursements for training expenses,
- Youthbuild or AmeriCorps earnings or payments to participants,
- earnings of a child under 14,
- certain restricted cash gifts from persons who are not financially responsible for anyone in the EA household, and
- assistance from social service or other organizations.

Historically, when DTA administered EA, it took the position that the following payments were non-countable (since DHCD relies on the DTA regulations, DHCD now should take the same position):

- up to \$7,500 in relocation payments received by a tenant to leave a foreclosed property plus additional amounts you can verify are being used for relocation expenses, *see* DTA Transitions, January 2008, p. 7, *available at* <http://www.masslegalservices.org/content/2008-dta-transitions>,

and

- payments from a reverse mortgage (a loan that allows a homeowner to withdraw equity from property). *See* DTA Transitions, April 2007, pp. 4-5, *available at* <http://www.masslegalservices.org/content/2007-dta-transitions>.

This is not a complete list of non-countable income. The regulations describe over 30 types of non-countable income, so check the regulations

for a more complete list. *See* 106 CMR 204.250(A)(2) through (QQ), cited in 760 CMR 67.02(5)(b).

6

What is the asset limit for EA?

The asset limit for EA is \$5,000. That means you generally must have less than \$5,000 of “countable assets” to qualify for EA.

- Some families are not subject to (or automatically meet) the EA asset limit. These include:
 - Families in shelter who have saved the money required by their EA Rehousing Plans (*see* **Question 16**), and
 - Households in which all members receive TAFDC.

For families subject to the asset limit, some assets count and others do not.

- Assets that **do** count include:
 - cash on hand,
 - bank accounts you have access to,
 - as of July 1, 2019, the value of vehicles owned by the household except for the value of one non-recreational vehicle,
 - the cash surrender value of life insurance and burial insurance,
 - real estate other than a home you live in, unless it qualifies for a six-month exclusion because you are trying to sell it.
- Assets that **do not** count include:
 - the value of one non-recreational vehicle owned by the household,
 - household and personal belongings,

Part 1 ■ EA Eligibility

- assets you do not have ready access to (such as assets tied up in court proceedings or real estate you cannot immediately sell),
 - Earned Income Tax Credit in the month of receipt and the following month,
 - Assets used to produce income, such as a vehicle used for self-employment,
 - up to \$7,500 in relocation payments received by a tenant to leave a foreclosed property, DTA Transitions, January 2008, p. 7,
 - the assets of an SSI recipient or a recipient of state or federal foster care payments. **Note:** Assets of an SSI recipient do not count toward the EA asset limit, even though the income of an SSI recipient **does** count toward the EA income limit. *See Question 4.*
- Savings required during the 6-month period for families who went over income (see **Question 4**) are not countable for EA.

This is not a complete list of non-countable assets. Check the regulations for a complete list. *See* 760 CMR 67.02(6)(a), relying on 106 CMR 204.120 through 204.140. **Note:** Assets that cannot be sold, for instance because they are under the control of another person or tied up in legal proceedings, are “inaccessible” and should not be counted. 106 CMR 204.125.

Advocacy Tips:

- ✓ If you are in EA shelter and have saved the money required by your Rehousing Plan, you should not be terminated for going over the asset limit -- even for assets other than those savings. 760 CMR 67.02(6)(b). Contact an advocate if you get a termination notice for being over the asset limit.
- ✓ The EA regulations incorporate the TAFDC rules on what are countable assets. The TAFDC car value exclusion rule was updated and improved in 2019.106 CMR 704.120(G).

7

What are the EA asset-transfer rules?

- Under DHCD regulations, you are not eligible for EA if you transferred real or personal property within the previous year for the purpose of becoming eligible for EA. 760 CMR 67.02(8). If you did not know about EA at the time of the transfer, or there was another reason you transferred the property, this rule should not bar you from being eligible for EA.
-

8

Which families qualify as “homeless enough” for EA?

To be eligible for EA you must have no “feasible alternative housing,” which means you must not have “any currently available living situation including temporary housing with relatives, friends or charitable organizations.” 760 CMR 67.06(1)(b).

In addition, you must fall into one of four fairly narrow categories to be eligible:

1. Your household is:
 - a. at risk of domestic abuse in the current housing situation; or
 - b. experiencing homelessness because you fled domestic violence, and you have not had access to safe, permanent housing since leaving the housing situation from which you fled. 760 CMR 67.06(1)(a)1.

Note: Under b., families do not have to prove current risk of domestic violence, but they must show they have no other place to stay now.

Part 1 ■ EA Eligibility

2. Your household is experiencing homelessness due to fire, flood or natural disaster, through no fault of its members. 760 CMR 67.06(1)(a)2.
3. Your household has been subject to eviction from its most recent housing due to:
 - a. foreclosure, through no fault of the members of the household;
 - b. condemnation, through no fault of the members of the household;
 - b. conduct by a guest or other household member who is not part of the household seeking emergency shelter, and the remaining household members had no control over his/her conduct;

Note: This could include an eviction due to incidents of domestic violence where the abuser is not part of the household seeking shelter, as well as situations where the primary breadwinner did not pay the rent but is no longer part of the household;

- d. nonpayment of rent, caused by:
 - (i) a documented medical condition;
 - (ii) a diagnosed disability, or
 - (iii) a documented loss of income within the past 12 months directly as a result of
 - i. a change in household composition, or
 - ii. A loss of income source through no fault of the household. 760 CMR 67.06(1)(a)3.

Note: The regulations at 760 CMR 67.06(1)(f)5 say that this category applies only if the family loses more than 10% of its income and the new, lower income means the family is paying over 50% of their income for rent and utilities.

- e. a pure no-fault reason, such as the expiration of a lease without renewal or termination of a month-to-month tenancy (tenancy at-will) for no stated reason.

Note: No-fault evictions include evictions because the owner is selling the building, wants to move a family member into the apartment, or wants to make significant renovations to the unit or building.

- 4. Your household is in a housing situation where the [EA] household members:

- a. do not include the primary lease holder,

Note: This includes families who are “doubled up” with others and not on the lease or individuals who are on the lease but who are not either the head of household or the intimate partner of the head of household.

or

- b. the child(ren) of the household are in a housing situation not meant for human habitation, (*But see Question 8*).

Note: Housing “not meant for human habitation” is narrowly defined in 760 CMR 67.06(1)(f)6.d.(ii) and 8. to cover only housing that: i) does not have hot and cold water for personal use, ii) does not have heat from September 16th through June 14th, iii) does not have electricity or lighting, or you do not have access to control lighting or electricity, iv) does not have operable toilet facilities, or v) has unsanitary conditions that result in the accumulation of garbage. *See Question 9*, d. (ii).

and where

- c. there is a substantial health and safety risk to the family that is likely to result in significant harm if the family remains in the housing situation. 760 CMR 67.06(1)(a)4.

Note: DHCD has issued policy memos regarding the four categories: how to verify domestic violence for purposes of

Category 1, Housing Stabilization Notice 2013-07B, <https://www.mass.gov/files/documents/2016/07/ww/hsn201307b.pdf>; how to determine whether an eviction is for “fault” for purposes of Categories 2 and 3, Housing Stabilization Notice 2012-09A, <https://www.mass.gov/files/documents/2016/07/wa/hsn2012-09a.pdf>; and two policy memos discussing the terms used and how to verify the health and safety risk required to qualify under Category 4, Housing Stabilization Notices 2016-03, <https://www.mass.gov/files/documents/2016/10/vk/hsn2016-03.pdf> and Notice 2012-10, <https://www.mass.gov/files/documents/2016/07/uh/hsn201210.pdf>

Advocacy Tip:

- ✓ Former homeowners who were evicted following a foreclosure for failure to make mortgage payments generally will not be considered eligible for EA on the basis of a “no fault” eviction. However, if the family can prove that its failure to make mortgage payments was the result of one of the excused reasons for nonpayment of rent listed above (a documented medical condition, disability, or loss of more than 10% of income resulting in a payment of 50% of the family’s income toward the mortgage and utilities), then the family will be eligible for EA on the basis of an “excused fault eviction.” *See* Housing Stabilization Notice 2012-09A, page 6, *available at* <https://www.mass.gov/files/documents/2016/07/wa/hsn2012-09a.pdf>

9

What kind of health and safety risk is serious enough to be eligible under category 4?

Under the regulations, 760 CMR 67.06(f)6, children who are sleeping in a doubled-up housing situation are at a significant enough health and safety risk to qualify under 760 CMR 67.06(1)(a)4.c only if the family is subject to:

Part 1 ■ EA Eligibility

- a. Exposure to felony or misdemeanor crimes by a member of the primary tenant's household that cannot be addressed by law enforcement or alternative dispute resolution, or repeated exposure to such conduct by a regular guest of the primary tenant, that is likely to result in significant harm to the EA household;
- b. Exposure to mental health issues by a member of the primary tenant's household that are likely to result in significant harm to the EA household and cannot be addressed by a referral to mental health treatment before such harm occurs;
- c. Exposure to substance abuse by a member of the primary tenant's household that is likely to result in significant harm to the EA household and cannot be addressed by a referral to substance abuse treatment before such harm occurs; or
- d. (i) Condemnation of the unit due to presence of physical conditions through no fault of the EA household; or
(ii) The housing situation is not meant for human habitation, which means it has physical conditions that the landlord cannot or will not remedy before significant harm occurs to the family members; those conditions are:
 - i. Lack of a supply of hot and cold water or inability to access water for personal use;
 - ii. Lack of heat from September 16th through June 14th;
 - iii. Lack of, or inability to control, electricity or lighting for personal use, or inability to dim lights for nighttime sleeping;
 - iv. Unsanitary conditions that result in the accumulation of garbage that may draw rodents, cause accidents, or otherwise create or spread disease; or
- (iii). The housing situation is only an irregular overnight sleeping situation, and the irregularity of the family's sleeping situation is persistent.

Part 1 ■ EA Eligibility

Note: An “irregular housing situation” based on frequent moves is sometimes referred to as “chronic couch surfing.” An irregular overnight sleeping situation also includes staying in a non-EA funded, time-limited shelter. These families should be eligible for EA at the end of their time-limited stay.

See generally 760 CMR 67.06(1)(a) – (f) and policy memos discussed at the end of **Question 8**.

The presence of a significant health and safety risk must be verified by the Department of Children and Families (DCF) or other agency. 760 CMR 67.06(1)(e)3 and 4. However, if the family appears eligible based on their own statements, the family should be placed in shelter pending the health and safety assessment and collection of other verifications. *See Questions 12 and 13*.

Note: A DHCD policy memo from October 2016 states that if child(ren) stayed the previous night with the primary tenant and the family provides written proof that the children cannot stay another night with the primary tenant, or other “persuasive evidence” that they have no feasible alternative housing, DHCD should request an urgent health and safety assessment and provide a non-EA placement until the health and safety assessment is complete. *See* Housing Stabilization Notice 2016-03 at [http://www.mass.gov/hed/docs/dhcd/hs/hsn/ See hsn2016-03.pdf](http://www.mass.gov/hed/docs/dhcd/hs/hsn/See_hsn2016-03.pdf).

Advocacy Tips:

- √ Many families are not eligible for EA under categories 1 – 3 of 760 CMR 67.06(1)(a) (current or former domestic abuse, fire, flood or natural disaster, or narrow categories of qualifying evictions), and therefore must show that the housing situation in which they are doubled up with others exposes them to crimes, violent physical conduct, or mental health or substance abuse; that the place they are staying qualifies as a “housing situation not meant for human habitation;” or that they have been engaged in “irregular housing” or chronic couch surfing.

Part 1 ■ EA Eligibility

- ✓ The Legislature included language in the FY20 budget directing DHCD to provide shelter to otherwise eligible families who have not yet stayed in places not meant for human habitation. DHCD has not issued guidance about how field offices should implement this requirement, and has stated that no new guidance is required. However, families in this situation are regularly denied placement. If a family is otherwise eligible and has no place to go they should be placed in shelter pending a DCF health and safety assessment. G.L. c. 23B, § 30(B), as amended by St. 2020, c. 41, § 2 at 7004-0101.
- ✓ To qualify for “irregular housing,” your family must provide verification that you have recently moved from place to place in an irregular pattern, not staying in any one place for more than a week or two. *See* Housing Stabilization Notice 2016-03 at [http://www.mass.gov/hed/docs/dhcd/hs/hsn/ See hsn2016-03.pdf](http://www.mass.gov/hed/docs/dhcd/hs/hsn/See_hsn2016-03.pdf).
- ✓ If you were denied for not meeting one of the four categories of EA eligibility, you may become eligible once your family has had “irregular housing” (engaged in chronic couch surfing), or once your family will have to stay (or has stayed) in a place not meant for human habitation because you have no place to go that night. Under the budget language for FY 2020, DHCD should not deny you if staying in a place not meant for human habitation would make you eligible AND you have nowhere to go that night. You may reapply for EA at any time.
- ✓ Families are routinely discouraged from applying or completing an application by being told they will not qualify, without being given a written denial. Families only have a right to appeal if they receive a paper denial, so you should insist on being allowed to finish the application and receive a denial. If DHCD refuses to let you complete an application you should see a legal advocate.
- ✓ Families who are doubled-up, or couch-surfing, with a host family should be careful about encouraging the host’s landlord to issue a Notice to Quit because it will not necessarily lead to EA eligibility and may put the host family at risk of eviction. If possible, families that are couch-surfing should provide a letter from their host stating that the family can no longer stay with them. A letter from the landlord is not necessary.

- ✓ **Waivers.** EA regulations allow the DHCD Undersecretary to approve a waiver of the rules based on “good cause.” 760 CMR 67.10. Families at risk of staying in a place not meant for human habitation can ask for a waiver to be placed earlier by emailing DHCD Undersecretary Jennifer Maddox (jennifer.maddox@mass.gov), Acting Associate Director Alvina Brevard (alvina.brevard@mass.gov), and Legal Counsel Adrian Walleigh (adrian.walleigh@mass.gov).
- ✓ Many families report that when they tell DHCD that they are sleeping in a place not meant for human habitation, such as a car, DHCD threatens to report them to DCF by filing a “51A” petition against them for “abuse and neglect.” DCF cannot lawfully take your children away from you just because you are experiencing homelessness. 110 CMR 1.00. If you are threatened in this way, contact an advocate.
- ✓ Tell your family and friends that someone from DHCD or DCF may call or visit to find out if you can stay with them. DHCD may deny your eligibility for EA or HomeBASE if your family or friends say you can stay with them.
- ✓ DHCD may deny your application if you refuse to let DCF contact the family or friend you have been staying with. If you agree to the visit but the other family refuses to talk to DCF, you should not be denied EA. *See* DCF and DHCD Health and Safety Initiative Administrative Plan (2012), <https://www.mass.gov/files/documents/2016/07/oe/healthandsafetyassessmentinitiativeadministrativeplan.pdf>.

10 Can you be denied emergency shelter even if you are “homeless enough” and are financially eligible for EA?

Even if your family is experiencing homelessness that is covered by one of the four categories of affirmative eligibility (*see* **Question 8**) and you meet the EA income and asset rules, DHCD may still deny your application for a disqualifying reason.

You may be denied for a disqualifying reason if:

- your family was in EA shelter (or was approved for an EA shelter placement that you did not go to) within the past 12 months (this is known as the “12-month rule”).

Note: The 12-month rule should not apply to you if the last time you were in shelter, you:

- left shelter for temporary housing that was approved by DHCD on a Temporary Emergency Shelter Interruption (TESI) form,
 - left shelter for housing that was supposed to be safe and permanent but turned out not to be,
 - received re-housing assistance and cooperated with your re-housing plan, **or**
 - were temporarily placed in shelter pending receipt of verifications (*see* **Question 12**) but were then found ineligible.
- your family was terminated from the HomeBASE program for “cause” within the past 12 months, or DHCD finds that you did not make a good faith effort to comply with your HomeBASE housing stabilization plan in ways that could have caused you to be terminated for cause (*see* 760 CMR 65.03(4)(a) and **Part 6**),
 - your family intentionally made itself homeless to become eligible for EA or to get a housing subsidy,
 - the reason you are experiencing homelessness now is that you abandoned public or subsidized housing in the past year without good cause (good cause includes leaving housing for a job, medical care, or other housing, or fleeing the housing because of a direct threat to a member of your household),
 - the reason you are experiencing homelessness now is that you were evicted from (or entered into an agreement for judgment to leave) public or subsidized housing in the past three years for not paying rent or for fraudulent behavior, unless the person who caused the eviction is not part of the household seeking EA,

Part 1 ■ EA Eligibility

- the reason you are experiencing homelessness now is that you were evicted from (or entered into an agreement for judgment to leave) private, public or subsidized housing for criminal conduct or destruction of property, unless the person who caused the eviction is not part of the household seeking shelter, or unless the criminal conduct was by a domestic abuser who is no longer part of the household,
- the reason you are experiencing homelessness now is that you did not cooperate with EA housing search or other housing assistance activities. If you had HomeBASE and were terminated for violating rules listed in 760 CMR 65.05(1)(a)-(r), DHCD will bar you from receiving more help for 12 months from the date your HomeBASE assistance was terminated,
- you (or an adult seeking shelter with you) quit a job, reduced work hours, or refused to accept increased work hours within 90 days before your application, unless you had “good cause” (good cause includes that you had to attend to a family crisis, emergency or other compelling circumstance, or did not have state-licensed child care), **or**
- you are a teen parent who was asked to leave 3 or more teen living programs because of rules violations or for any behavior-related reasons, or you refused a teen living placement.

760 CMR 67.06(2) and 760 CMR 65.03(4)(a)2

Note: Consult an advocate if you are denied shelter for any reason and have no safe place to stay.

Advocacy Tips:

- ✓ You should not be denied EA based on losing housing for a disqualifying reason if, since losing that housing, you had “**intervening housing**” that you lost for a qualifying reason. In other words, you may be eligible for shelter if your current homelessness was not caused by a disqualifying reason. In general, “intervening housing” means that you paid some rent for at least two months in another housing situation and your presence did not violate the lease.

See Housing Stabilization Notice 2012-05,
<http://www.mass.gov/hed/docs/dhcd/hs/hsn/hsn201205.pdf>.

- ✓ DHCD should not deny you EA benefits based on the 12-month rule if you left shelter for permanent housing that you later discovered was not safe and affordable when you moved in. See 760 CMR 67.06(1)(d)1.b.
- ✓ DHCD should not deny you EA benefits based on the 12-month rule if you left shelter for HomeBASE and you have been out of shelter for at least three months. However, you must establish EA eligibility and be in good standing with the HomeBASE program. See Housing Stabilization Notices 2013-03 and 2013-03A.
- ✓ The Americans with Disabilities Act (ADA) may require DHCD to disregard reasons for denial that are related to disability (for example, you were evicted for destruction of property that happened because of disability-related conduct). See **Question 17** and ask an advocate for more information about the ADA.
- ✓ If you want to leave shelter for temporary housing (for example, to stay with family or friends) and you may want to return to shelter within 12 months, first get DHCD to sign a Temporary Emergency Shelter Interruption (TESI) form that approves your leaving. DHCD takes the position that a TESI can only be granted in particular circumstances and that they can only be granted for 30 days, with one 30 day extension, for a total of 60 days. If you do not return by the expiration date of your TESI, DHCD may still find you are barred by the 12 month rule. See HSN 2016-02. Consult an advocate if you cannot get DHCD's approval or if you are later denied shelter because you left for temporary housing.
- ✓ *During the coronavirus pandemic DHCD has been allowing shelter families, particularly those in congregate settings, to take "emergency leave" as long as they stay in weekly contact with the shelter. This permits families to stay elsewhere and leave their belongings in the shelter, but families on emergency leave may not come and go. Advocates are concerned that families taking emergency leave may be terminated for having feasible alternative housing or for abandonment. If you were given permission to leave the shelter*

because of concerns about COVID-19 and then were terminated, contact an advocate.

11

Can you get EA if you are not a United States citizen or not a Massachusetts resident?

Immigration Status

EA is available to many persons with legal status including refugees, lawful permanent residents and persons residing in the U.S. under color of law. For a full definition of eligible non-citizens, see 106 CMR 203.675. *See also* the DTA Non-Citizen Desk Guide, at <https://www.masslegalservices.org/content/dta-non-citizen-desk-guide>. EA eligibility is determined in the guide the same as EAEDC eligibility.

If any member of your household has one of these statuses or is a U.S. citizen, your entire household meets this requirement. 760 CMR 67.02(7). For example, if a mother and one child are undocumented but the youngest child is a legal permanent resident, the entire household has eligible immigration status for EA shelter.

For EA shelter purposes, a household consists of at least one child, parents, step-parent or caretaker relatives, legal guardians, and siblings (including half- and step- siblings) of the child. For example, a family consisting of a child, her mother, stepfather, and stepsister are seeking EA, but only the stepsister is a U.S. citizen or has eligible status, the entire household has eligible immigration status for EA.

State Residency

In July 2012, DHCD began verifying that all members of a family seeking shelter are residents of the Commonwealth. 760 CMR 67.02(1)(c).

Any third-party verification that shows you are in the Commonwealth with the intent to reside should be good enough to prove Massachusetts residency.

The preferred forms of verification for adults are a Massachusetts I.D. or driver's license or a current utility bill, but good alternatives are proof that any of the children in the family are registered for school in Massachusetts, or proof of voter registration in Massachusetts. Also acceptable are letters from a child's primary care doctor listing a Massachusetts address, or mail from a state or federal agency that is addressed to you at a Massachusetts address.

Registration in school can be verified by a transcript or in a letter on the school's letterhead, which should be able to be obtained quickly.

If you are denied for lack of proof of Massachusetts residency and you intend to remain in Massachusetts and need emergency shelter, contact an advocate.

For a complete list of documents DHCD says it will accept as proof of eligible immigration status and Massachusetts residency (and identity), see pages 4-6 of Housing Stabilization Notice 2012-08, <http://www.mass.gov/hed/docs/dhcd/hs/hsn201208.pdf>.

12 What if you do not have proof of your eligibility when you apply for EA?

When you go to a DTA/DHCD office to apply for EA, you should bring as many documents as you have that may help show you are eligible for EA. But if you need shelter right away, DHCD should not deny you shelter just because you do not have all the proof (verification) at the time you apply.

If you appear to be eligible based on your own statements and other information available to DHCD (such as information in the DTA and DHCD computer systems), DHCD must place you in shelter and give you 30 days to get necessary verifications. This is known either as “presumptive eligibility,” “presumptive placement” or “placement pending verifications.” 760 CMR 67.06(1)(c). *See also* Housing Stabilization Notice 2012-08, <http://www.mass.gov/hed/docs/dhcd/hs/hsn201208.pdf>. If you need help

Part 1 ■ EA Eligibility

getting verifications, your DHCD worker or shelter provider should help you get them. 760 CMR 67.04(c).

Advocacy Tip:

- √ DHCD says that the presumptive eligibility rules do not apply to documents that prove the identity, relationship, or Massachusetts residency, and that such documents must be provided before an eligibility determination and placement will be made. *See* Housing Stabilization Notice 2012-08, <http://www.mass.gov/hed/docs/dhcd/hs/hsn201208.pdf>. This is inconsistent with the statutory requirement of placement pending verifications. You should always try to provide as many verifications as you can at the time of application, but if you do not have needed verifications readily available and have no place safe to stay and DHCD refuses to place you due to lack of any verification, contact an advocate.

Part 2

EA Placements and Terminations

13 How long does it take to be placed in EA shelter?

If your family has no place to stay and you appear to meet the other EA eligibility rules, you should be placed immediately. Recent policy changes mean that families should be placed “but for not having spent 1 night” in a place not meant for human habitation. However, DHCD has not issued any guidance to its field offices about how this policy change will be implemented.

In addition, DHCD may refuse to take an application, or may delay taking or finalizing an EA application and making a decision. If you have no safe place to stay and DHCD will not finalize a decision or give you a presumptive placement, contact an advocate.

Advocacy Tips:

- ✓ DHCD should not delay placing you in shelter if you qualify for EA. Contact an advocate if DHCD tries to postpone placing you and you have no safe place to stay.
- ✓ DHCD has an agreement with the Department of Children and Families (DCF) to do health and safety assessments of housing arrangements that families claim are not safe or no longer available. The assessments should not delay placements in EA shelter. If the assessment cannot be done immediately or if you can no longer stay in the housing that is to be assessed or it is not safe and you are otherwise eligible for EA, you should be placed presumptively until

the assessment can be completed (*see* **Question 11**). Contact an advocate if you feel discouraged from applying for shelter because of an assessment or if you have nowhere to stay and DHCD is delaying your placement pending a health and safety assessment.

14 Where can you be placed if you qualify for EA shelter?

If you qualify for EA shelter, DHCD can place you in:

- a shelter with other families (congregate shelter),
- an apartment (scattered site shelter),
- an apartment with another family (co-housing scattered site shelter),
- a substance abuse shelter if you or another adult in the family have a substance abuse problem,
- a teen living program if you are a teen parent or a pregnant teen under age 20 and space is available, **or**
- another DHCD-approved temporary shelter, such as a motel. If you are placed in a motel, DHCD can transfer you to a family shelter as soon as space is available. 760 CMR 67.06(3).

In certain circumstances, DHCD may choose to place an adult child (21 or older) or a second parent in a separate shelter, including a shelter for single adults. 760 CMR 67.07(3)(b)2.

If you are placed in EA shelter, DHCD must place you in a shelter within 20 miles of your home community if there are any openings in the area. However, there often are no openings within 20 miles and you could be placed very far away. If you are placed more than 20 miles from your home community, DHCD is required to transfer you to a shelter placement within 20 miles of your home community as soon as there is an opening, unless you do not want to move back. 760 CMR 67.06(3)(c) and (e).

DHCD can transfer you from one shelter to another shelter if it thinks it would be “efficient” to transfer you. 760 CMR 67.06(4)(c).

Advocacy Tips:

- √ Even if you think you have a good reason for refusing a shelter placement that is offered to you (either as a first placement or as a transfer), you should accept the placement if possible and then appeal the placement; otherwise you may be terminated and barred from receiving further help. *See Questions 10 and 16.*
- √ DHCD is supposed to make every effort to ensure that children placed in EA shelter can continue going to school in their home communities. 760 CMR 67.06(3)(d). If you are in EA shelter and want to be placed where your children can continue going to school in their home community, make a written request to your DHCD worker. You may also contact the school’s McKinney-Vento Homeless Education Liaison, or contact the Homeless Education State Coordinator Sarah Slautterback at sarah.e.slautterback@mass.gov.
- √ DHCD must consider disability-related reasons why you need to be placed near your home community, or why you need a particular type of shelter or housing. For example, if you or a family member uses a wheelchair, you should be placed in a wheelchair-accessible unit. If a family member has mental health problems and needs privacy, you should be placed somewhere that provides more privacy. Tell your DHCD worker that you need a “reasonable accommodation.” *See Questions 17 and 18* for more information about the Americans with Disabilities Act (ADA) or contact an advocate.
- √ DHCD should place you in an area that does not cause you to lose your job. Tell DHCD if you think an offered placement would interfere with your keeping a job. If possible, make a written request explaining the reasons to DHCD. Shelter placements are made by DHCD Central Staff; you can contact Contracting and Performance Manager Barbara Duffy at barbara.j.duffy@mass.gov.

15 What if you are denied EA shelter but have no safe place to sleep?

If you are denied EA shelter and have no place to sleep you will be given a list of non-EA shelters, but those have very few available beds. If you live in the City Boston you may call the Mayor's hotline (dial 3-1-1, available 24 hours a day, or 617-635-4500). You may also want to call your State Representative and/or State Senator for help. You can call the State House switchboard at 617-722-2000 or find their names and direct numbers at <https://malegislature.gov/Search/FindMyLegislator>. Or you can contact a local legal services advocate.

16 What are Re-housing and Stabilization Plans?

A **Re-housing Plan** (formerly called a Self-Sufficiency Plan) is a plan that the adults in your family must follow while you are in EA shelter. The plan is made by the DHCD worker, the shelter provider and the adults in the family. A child age 18 to 21 may be part of the plan. Failure to cooperate in creating or following the plan can lead to a finding of noncompliance, and three findings of noncompliance can lead to termination of shelter benefits. *See Question 17.*

A Re-housing Plan may require your family, among other things, to:

- search for safe, permanent housing;
- attend all scheduled meetings with a housing search worker;
- set goals to keep permanent housing;
- provide proof of applications for public, subsidized and private housing and provide documentation needed to get public or subsidized housing;

- save 30% of your household's net income (after taxes and other withholdings). This requirement should not be applied to families in hotels and motels. It should also be lifted or reduced if a change would lead to more rapid re-housing, if the income is necessary to access transportation to medical appointments, if it is not reasonable for an individual family, or if the family needs the money to reduce debts, such as past rent or utilities, in order to get permanent housing; and
- take part in work, education, training, community service, or substance abuse activities for 30 hours per week. This requirement must be reduced or lifted to accommodate a disability, lack of transportation or child care, to address medical, mental health and/or domestic violence issues, lack of a site identified by the department to do the activity, or the need to care for a child under the age of 3 months old. 760 CMR 67.06(4)(b).

A **Stabilization Plan** is a plan that the adults in your household must follow while you are in HomeBASE-supported housing. The plan is created by your HomeBASE provider with input from the family. Refusal to cooperate in developing a Stabilization Plan and failure to comply with a Stabilization Plan can lead to termination of your HomeBASE assistance and bar your family from receiving additional assistance for 12 months.

A Stabilization Plan may require you, among other things, to:

- do the same things as in a Re-housing Plan discussed above, except you will not have to save 30% of your income;
- pay your share of rent and utilities and comply with your lease;
- repay arrearages and damages owed to any housing authority or HomeBASE provider;
- report any changes in income or household members within 10 days;
- not engage in criminal conduct or let your guests do so;
- not possess a firearm in or around HomeBASE housing;
- not abandon HomeBASE housing or let unauthorized persons stay with you;

Part 2 ■ EA Placements and Terminations

- not reject an offer of safe, permanent housing without good cause;
- not miss more than 2 scheduled meetings or phone calls with your stabilization worker;
- not leave any child under the age of 12 unattended in the HomeBASE unit;
- comply with all service plans from other agencies; and
- take steps to address “financial responsibility; job training, work search and employment; educational attainment; and well-being of children in the family.” 760 CMR 65.03(6) and 65.05.

Advocacy Tips:

- √ If you are asked to sign a Re-housing Plan or a Stabilization Plan that you do not understand or is not reasonable for you or your family, ask DHCD or the shelter or your HomeBASE provider to explain it or change it. If you cannot fully understand the Plan in English, tell DHCD or the shelter or your HomeBASE provider that you need an interpreter. If you still have questions or concerns, consult an advocate.
- √ If you have signed a Plan that you no longer think is workable or reasonable, ask your worker for a reassessment of your plan and make a record of that request. If your worker refuses to change the Plan, consult an advocate.
- √ If you receive a notice saying you failed to comply with your Re-housing Plan and you disagree or think you had good reasons for not fulfilling the Plan, file an appeal and contact an advocate for help. *See Question 20.* It is important to appeal a finding that you did not follow your Re-housing Plan because three such findings can cause you to be terminated from shelter; *see Question 16.*

17

When can your emergency shelter benefits be terminated?

DHCD can terminate your family's EA shelter benefits if:

- a family member engages in criminal activity that threatens the health, safety and security of themselves, other family members, other shelter residents, or shelter staff;
- your family refuses a shelter placement or transfer or fails to appear at a designated placement without good cause (good cause for this purpose includes lack of transportation, lack of state-licensed child care, and a family crisis, emergency or other compelling situation that requires a family member's attention);
- your family abandons shelter ("abandonment" means you were absent without permission from shelter for at least 2 nights in a row or you had "repeated absences" without permission from authorized shelter staff or DHCD and without good cause);
- your family now has feasible alternative housing;
- your family's gross monthly income goes over the EA income limit for 90 consecutive days (although you can remain in shelter for six months to look for housing, unless you are terminated for another reason). *See Question 4;*
- a family member quits a job, refuses additional work, or reduces earnings from employment, unless you have good cause (good cause for this purpose includes lack of child care, a family crisis or emergency or other extraordinary circumstances); **or**
- your family rejects an offer of safe, permanent housing without good cause (good cause for this purpose includes, but is not limited to, that the housing would require the parent to leave a job that is part of his or her Re-housing Plan; the housing would interfere with access to critical medical needs of household members, including access to

Part 2 ■ EA Placements and Terminations

specialty medical providers; the housing would interfere with the special education needs of a child; or the housing is in an area in proximity to a domestic abuser, or in an area the household was forced to leave because of safety concerns directed at any member of the household).

DHCD can also terminate your family's shelter benefits if a family has three noncompliances that were either not appealed or that were upheld after appeal. Any of the following could lead to issuance of a noncompliance:

- a family member poses a threat to the health, safety or security of herself, other family members in shelter, other shelter residents, or shelter staff;
- a family member misses a family shelter interview without good cause (good cause for this purpose may be limited to a death in your immediate family, a personal injury or illness, or another sudden and serious emergency as determined by DHCD);
- a family member does not cooperate in developing a Re-housing Plan, which may impose obligations such as work, housing search, debt-reduction, savings, or other requirements intended to improve your ability to get and keep permanent housing;
- a family member does not comply with the Re-housing Plan without good reason;
- a family member or a guest violates the Uniform Shelter Program Rules one time.

760 CMR 67.06(5) and (6).

Advocacy Tips:

- √ The Uniform Shelter Program Rules were revised on January 2, 2015 to provide more “good cause” exceptions to certain rules, to excuse some minor (*de minimis*) violations of some rules, to require 24-hours' notice of non-emergency room inspections, to allow families in motels to get permission for another resident to babysit their children,

and to create new forms to allow requests for babysitting and overnights away from the shelter. *See* Uniform Shelter Rules available at <http://www.mass.gov/hed/docs/dhcd/hs/ea/s-ea-forms-ea-uniform-shelter-program-rules-january-2015-english.pdf>. The new Rules are available in several languages at <https://www.mass.gov/service-details/emergency-housing-assistance-resource-information>. You may be entitled to have a noncompliance or termination notice rescinded if you could not understand the rules because you did not receive them in your preferred language. The Rules changes were the result of a lawsuit brought by MLRI called *Hayes v. DHCD*. Be sure you have a copy of the Rules and understand them since three rules violations can lead to termination.

- √ A noncompliance for failing to create or follow a rehousing plan or for violating a shelter rule without good cause will be deemed rescinded if there are no further violations within the following six months. 760 CMR 67.06(5)(e).
- √ To avoid a finding that you “abandoned” shelter, ask your shelter provider to help you request permission for any nights away from the shelter using an “overnight request” form, available at <http://www.mass.gov/hed/docs/dhcd/hs/ea/s-ea-forms-overnight-request-form-january-2015-english.pdf>.
- √ For absences of more than 4 nights in a month, ask your DHCD worker to give you written permission to be absent from shelter on a Temporary Emergency Shelter Interruption (TESI) form, and get the written approval before you leave the shelter. A TESI allows families to leave shelter and then return to the shelter system within 30 days, without having to re-prove their eligibility or be blocked by the 12-month rule. TESIs last a maximum of 30 days, but families may ask for one extension for a total of 60 days. Families who become categorically ineligible because DCF has temporarily removed all children from the household are eligible for a TESI. *See* Housing Stabilization Notice 2016-02, available at <http://www.mass.gov/hed/docs/dhcd/hs/hsn/hsn2016-02.pdf>.
- √ Families who must take a TESI because of DCF removal, but for whom reunification takes longer than 60 days, should still go through the reunification procedure described in the Memorandum of

Part 2 ■ EA Placements and Terminations

Understanding (MOU) between DCF and DHCD, available at <https://www.mass.gov/files/documents/2019/02/27/DCFMOU.pdf>. If the family is told that they face a 12 month bar despite DCF being ready to reunify, waiver requests can be sent to Associate Director Alvina Brevard (alvina.brevard@mass.gov) and Legal Counsel Adrian Walleigh, (adrian.walleigh@mass.gov).

- √ Decisions on shelter noncompliances and terminations based on alleged rules violations are made by the DHCD Central Office in Boston. Before the shelter asks DHCD to issue the notice it is supposed to give you 24 hours to write up your side of the story for DHCD to consider. As a result of the Hayes lawsuit, families in motels also now have a right to respond before a noncompliance is issued. *See* Housing Stabilization Notice 2015-02, available at <http://www.mass.gov/hed/docs/dhcd/hs/hsn/hsn2015-02.pdf>.
- √ Consult an advocate and/or file an appeal right away if your shelter benefits are terminated or you get a noncompliance notice for any reason you think may be wrong. *See* **Question 20** on appeals.
- √ The Americans with Disabilities Act (ADA) may make it unlawful for DHCD to terminate your shelter or cite you for noncompliance if the reason for the termination or noncompliance is related to a disability (for example, you violated a rule because of your disability or you left a placement because the shelter did not accommodate your disability). *See* **Question 17** or ask an advocate for more information about the ADA.
- √ The DHCD regulation saying that an individual is not eligible for shelter if an outstanding warrant is not resolved in 30 days may violate a statute that says the warrant rule applies only to “non-shelter” EA benefits. G.L. c. 23B, § 30(C), as amended by St. 2009, c. 27, § 15. If you receive a termination notice from DHCD for not resolving a warrant in 30 days, appeal the termination and consult an advocate. If the termination is appealed within 10 days, the family can stay in shelter during the appeal process.

Part 3

Disability Accommodations

18 What if a disability makes it hard for you to meet DHCD rules or use DHCD services?

The federal Americans with Disabilities Act (ADA) requires DHCD to provide equal access to programs and services to qualified people with disabilities. 42 U.S.C. § 12132.

Under the ADA you are a person with a disability if you have a physical or mental disability that substantially impairs a major life activity, such as learning, understanding, walking, working, breathing, or caring for yourself. You do not have to be receiving any disability benefits to be qualified as disabled under the ADA. A temporary health problem like a broken leg may not be a disability under the ADA.

If a disability makes it hard for you to meet DHCD rules or use DHCD services, you can ask DHCD and/or your shelter to grant exceptions to the rules or modify the services. These are called “reasonable modifications” or “reasonable accommodations” under the ADA.

Example 1: Because of your disability, you need extra time or help getting information to DHCD. DHCD should give you the extra time or help.

Example 2: You have trouble reading because of a learning disability. DHCD and its providers should regularly explain the rules and notices to you, and, if they did not explain a notice on a timely basis, give you more time to take action in response to it.

Example 3: You use a wheelchair. DHCD should place you in a shelter where you can use your wheelchair and the shelter should not make you do activities that you cannot do because of your disability.

Part 3 ■ Disability Accommodations

Example 4: Your child has an anxiety disorder that makes it hard for him to be around other people. DHCD should place you in a shelter where he does not have to be with many other people, such as a motel or a scattered site.

Example 5: You have a disability that prevents you from getting or keeping a job and as a result, you have no money to save after paying for medicine, clothes and other basic needs. DHCD should not terminate your shelter benefits if you cannot save 30% of your net income.

If you need special help or an exception to a rule because of a disability, you should tell your DHCD worker or their supervisors. The worker should then fill out a form called a “Request for an ADA Accommodation.” DHCD may ask for a copy of medical records or other evidence of the disability, or permission to contact a doctor or other professional who can verify your disability. You may also need for the doctor or other professional to document the connection between the disability and the special help or exception you are requesting.

Advocacy Tips:

- ✓ If you need special help or an exception to a rule because of a disability, be sure you or your DHCD worker fills out a “Request for an ADA Accommodation” form, or write a letter to DHCD asking for the help you need. You can find a copy of the ADA Request form at www.masslegalservices.org/content/ada-accommodation-form-ea-dhcd. ADA requests can be sent directly to ADA Coordinators by emailing dhcdeaada@mass.gov, or by faxing it to 617-573-1578.
- ✓ Shelter providers are also required to make accommodations for your disability. Ask your shelter provider for reasonable accommodations or modifications as needed. Tell your DHCD worker if you think the provider is wrongly denying your request and consult an advocate.

19 What are your rights if DHCD denies your reasonable accommodation request?

The DHCD local office or DHCD ADA Coordinators should give you a written decision on your request for reasonable accommodation no later than 30 days from your request. If you do not receive any response to your request within 30 days you can email the ADA Coordinators at dhcdeaada@mass.gov. If the local office denies your request in whole or in part you can ask for reconsideration from the DHCD Central Office Accommodation Appeal Committee by filling out the back of the form and giving it to your worker. **Ask your worker to give you a copy of the completed form.**

If the DHCD Central Office Accommodation Appeal Committee denies your request for accommodation in whole or in part or does not make a decision within 10 days of your request for a decision, you can request a fair hearing by faxing or mailing a copy of an appeal request to the Division of Hearings. *See Question 20.*

Advocacy Tips:

- ✓ If you did not get an ADA denial from the Central Office Accommodation Appeal Committee, you may need to ask your DHCD worker for a copy of an appeal form.
- ✓ Try to get a legal advocate to help you with your request for reconsideration and your appeal. *See Appendix C* for a list of legal services offices.

Part 3 ■ Disability Accommodations

Part 4

Language Access

20 What if you prefer to communicate in a language other than English?

You are entitled to language assistance that will allow you to access documents and other communications in your language at every stage of the EA program.

Federal and state civil rights laws require DHCD to make sure that EA families with limited English proficiency can access the EA program. You are limited English proficient if you do not speak, read, write or understand English very well, and prefer to communicate with DHCD in your primary language. When you apply for EA, DHCD should ask you which language you prefer to communicate in. If you are not asked, tell the worker if you prefer to communicate in a language other than English. DHCD will have cards that allow you to point to your language. You will also be given a one-page sheet with language access information in other languages.

If you speak Spanish, Haitian Creole, Arabic, Amharic, Portuguese or Cape Verdean Creole, you have the right to receive important EA documents in your language, such as application materials, shelter rules, and noncompliance and termination notices. (Please note that as of September 2020, not all important documents have been translated into Amharic.) DHCD will only translate the standardized portions of the documents into your language, which means any narrative portions will not be translated. You may ask DHCD or shelter workers for interpretation of any untranslated portions of important documents.

All EA families have the right to free oral interpretation for important EA communications and documents no matter what language they speak.

Part 4 ■ Language Access

DHCD will provide free oral interpretation in its field offices, Main Office, and Hearings Division. All EA shelters should provide free oral interpretation as well, either through staff that speak your language fluently or through a telephone interpreter service. If a DHCD or shelter staff member is not available to connect you with an interpretation service, you may call DHCD at (617) 573-1106 and press zero (0) to access free, over-the-phone interpretation. This phone number is also listed on a notice in 25 languages that should be attached to all important EA documents.

Advocacy Tips:

- ✓ DHCD and shelter staff cannot ask friends, family members, children, or other shelter residents to interpret, unless it is an emergency. You may ask for a professional interpreter even if you, a friend, or family member speaks some English.
- ✓ If your preferred language is one of the languages in which program documents are available and yet you still receive documents in English, tell a DHCD or shelter staff member that you would like to receive documents in your language, and they must provide it to you in the translated language. Otherwise you can let them know you would like the English document read to you in your preferred language.
- ✓ DHCD has issued a Language Access Plan with more detailed information about language services. The Plan (together with exhibits), rules for DHCD and shelter staff, complaint forms, and training materials, are available on DHCD's website at <https://www.mass.gov/service-details/emergency-housing-assistance-resource-information>.
- ✓ DHCD has appointed a Language Access Coordinator who can answer any questions and resolve issues related to language services. You may also file a language access complaint with the Language Access Coordinator, using the form on the DHCD website.
- ✓ The Language Access Coordinator is:

Brenda O'Donnell
100 Cambridge Street Suite 300, Boston MA 02114
Phone: (617) 573-1381

brenda.odonnell@state.ma.us

- √ If you have informed DHCD of your language preference and you are not provided information orally in your language (or in writing if your language is Spanish, Haitian Creole, Arabic, Amharic, Portuguese or Cape Verdean Creole), you can contact the Statewide Language Access Attorney at (617) 357-0700.

Part 5

EA Appeals

21 What are your EA appeal rights?

- You can appeal the following to the DHCD Hearings Division:
 - a DHCD decision that you are not eligible for EA;
 - DHCD's failure to provide shelter or a denial of EA shelter;
 - termination of your EA benefits;
 - a noncompliance (a DHCD finding that you have not complied with the requirements for staying in shelter);
 - DHCD's failure to make reasonable efforts to locate EA shelter that accommodates the size or composition of your family;
 - DHCD's failure to place your family within 20 miles of your home community, or to transfer your family back within 20 miles at the earliest opportunity;
 - DHCD's failure to make every effort to ensure that a child can continue in school in her home community; and/or
 - DHCD's refusal to accommodate a disability (*see Question 18*).

760 CMR 67.09.

- In these cases you have 21 days to appeal.

Important: A termination notice should be appealed within **10 days**. If DHCD's Division of Hearings receives your appeal on a shelter termination notice within 10 days of the date on the termination notice,

Part 5 ■ EA Appeals

you can stay in shelter until a decision is made on your appeal. Otherwise you will have to leave shelter and wait for your appeal.

- You can appeal by faxing or emailing both the notice and the appeal form on the back of your notice to DHCD's Division of Hearings. The fax number is 617-573-1515. You can email the appeal to DHCDEAhearings@mass.gov.
- You can also mail the appeal form to DHCD, Hearings Division, 100 Cambridge Street, Boston, MA 02114, but the appeal must be received by DHCD by the deadlines discussed above, so it is safer to fax it and keep a copy of the fax report as proof. If you mail the form, keep a copy for your records and note the date you mailed it or get proof of mailing.
- If you are denied shelter and you file an appeal, the hearing is supposed to happen quickly but often takes a long time to be scheduled. This is the case even though a law mandates that denials of an EA benefit should be resolved by a decision after a hearing within 45 days of the application. *See* G.L. c. 23B, section 30(F). If your hearing date seems too far away and you have no place to stay, call the Hearings Division at 617-573-1528 or call the Division of Housing Stabilization (toll free 1-877-418-3308) and ask for a faster hearing, or contact an advocate. You can also reapply for EA, which may get a faster result than waiting for the appeal to be decided.
- In general, DHCD must send you notice at least 10 days before your shelter benefits. (Unless you gave them a different address in writing, DHCD will send notice to you at the shelter even if you are not there anymore.)
- Even if your shelter benefits have been continued during the appeal, DHCD may transfer you to another shelter during the appeal.
- You have a right to see your file as well as the evidence DHCD plans to use in the hearing. If there is evidence you believe may be helpful to your appeal but is held by a different agency, such as F.O.R. Families or DCF, you can ask for those documents directly from the other agency or ask DHCD to help you get them. *See* G.L. c. 66A.
- If possible try to get an advocate to help you with your appeal. *See* **Appendix C** for a list of local legal services offices. If you are

appealing a shelter termination and you lose the appeal, DHCD may ask you to leave shelter in as few as two days.

Advocacy Tips:

- √ If your EA application has been denied you can file a new application and ask for a new decision. This may help you get into shelter faster than waiting for an appeal to be decided. This is especially true if you were denied for not meeting an eligibility category, since the denial may have forced you to experience homelessness in a way that now qualifies you for EA shelter. *See Question 8.*
- √ If you are being transferred from one EA shelter to another and you appeal the transfer, you should go to the new shelter while your appeal is being decided. If you win your appeal, you can transfer back. Refusing to transfer before your appeal is decided could cause your shelter benefits to be terminated.
- √ You should consider appealing a notice of noncompliance even if your shelter benefits are not being terminated. If you do not appeal a noncompliance finding when it is made, DHCD can later rely on the finding as part of the reason for terminating your shelter benefits.
- √ In appeals that are filed on time, DHCD has the burden of proving, by a “preponderance of the evidence” (more likely than not), that the allegations in the notice are true and warranted the proposed action. It is worth reminding Hearing Officers of this since DHCD often cannot meet its burden of proof.
- √ As a result of the Hayes lawsuit, a family being terminated for three noncompliances may appeal the noncompliances at the time the notice of termination is issued. However, the family will have the burden of proof on the noncompliances if they were not appealed within 21 days after they were issued. 760 CMR 67.09(2)(a)2.a.

Part 6

Finding New Housing

22 Can you get help keeping or moving to housing?

Families experiencing homelessness who are not in shelter. If your family is experiencing homeless or at “imminent risk” of becoming homeless but is not yet in EA shelter, you may be able to get help keeping your housing, or finding and moving to new housing, from:

- **The HomeBASE program.** You must be found eligible for EA shelter to get HomeBASE. You must apply for HomeBASE at one of the DHCD offices listed in **Appendix A** or by calling the EA phone line at (866) 584-0653. If you are eligible for EA and you are age 21 or over, you will be referred to a HomeBASE provider listed in **Appendix D**. If you have no place to stay, you can go to shelter and still be eligible for HomeBASE. HomeBASE can provide you with up to \$10,000 per year to help you move into new housing or stay with another family. This is called HomeBASE Household Assistance. HomeBASE requires families to participate in housing stabilization services for 12 months. The rights and responsibilities of HomeBASE families are individualized and outlined in the Program Participation Agreement.
- **The regional nonprofit agencies listed in Appendix E.** Contact the agency serving your local area. Among other resources, these agencies administer a program called RAFT (Residential Assistance for Families in Transition). The RAFT program helps eligible families keep housing, get new housing, or otherwise avoid homelessness. When funds are available, RAFT provides money for security deposits, first and last month’s rent, moving expenses, rent, utility, and mortgage arrears, and other housing-related expenses for homeless families and families at risk of homelessness. RAFT may also be able to provide funds to prevent an eviction (called “upstream” funds).

Part 6 ■ Finding New Housing

Families experiencing homelessness who are in shelter. If your family is in EA shelter, you may get help finding housing from:

- **Your shelter provider**, which receives funds to help you find permanent housing. Shelter providers can connect you to HomeBASE Household Assistance. If you are in a motel, a HomeBASE worker should come to your motel and you can ask your F.O.R. Families worker for help. Families in shelter (including motels) may be eligible for the \$10,000 in HomeBASE to help them move into housing.

Note: If you have an EA termination notice pending, you may not be eligible for HomeBASE until the termination is removed. Contact your local legal services office for help.

- **The DTA Relocation Benefit Program.** DTA (separate from DHCD) will pay up to \$1,000 to help get permanent housing for some families who are leaving a shelter or a teen living program. This benefit may be used for advance rent, security deposit, rent or utility arrears, moving expenses or other relocation costs. The relocation benefit is available through a DTA worker for:

- ➔ a family receiving TAFDC or EAEDC who has been in emergency shelter for 60 days or more;
- ➔ a family receiving TAFDC who has been in a domestic violence shelter for 60 days or more;
- ➔ a teen parent age 18 or 19 who has been in a teen living program for 60 days or more and can live independently. 106 CMR 705.350.

You can only get the \$1,000 relocation benefit once in a 12-month period. But it is not an EA benefit and will not disqualify you from receiving an EA benefit within the 12-month period. *See Question 10.*

Other Relocation Resources for Families and Individuals Whether or Not in Shelter. Individuals who receive Supplemental Security Income (SSI) may be eligible for state-funded Special Benefits of up to \$150 in moving costs to move within the state if: the current living situation has been certified as substandard; a move is required due to health, safety or other conditions; or the individual is moving into subsidized housing. Special Benefits for SSI recipients may also be available to cover the cost of replacing furniture, household

equipment, food, clothing or supplies lost as a result of a fire or other natural disaster. Ask about Special Benefits at your local DTA office.

Advocacy Tips:

- ✓ Ask your shelter provider or DHCD worker to explain all of the re-housing services that may be available to you and your family and the effect they may have on your future eligibility for shelter and other benefits.
- ✓ If you reject an offer of housing that is affordable, even if it is affordable only for a limited time because of a short-term subsidy, DHCD may try to terminate your EA eligibility or shelter benefits. See **Question 16** and consult an advocate about your options.
- ✓ You should ask your DTA worker for the DTA relocation benefit while you are still living in a shelter or a teen living program.
- ✓ DTA may give you less than \$1,000 in relocation benefits unless you can show you need the full \$1,000 for expenses related to getting permanent housing. Be sure to tell DTA why you need the full \$1,000 before you leave shelter.
- ✓ DTA relocation costs in some circumstances may include furniture and appliances that you need in order to move into permanent housing. DTA Transitions, Feb. 2007, p. 3, at <http://www.masslegalservices.org/content/2007-dta-transitions>.

Part 7

HomeBASE Terminations and Appeals

23 What terminations from HomeBASE will bar you from shelter for 12 months?

You can be barred from getting into EA shelter for 12 full months (1 year) if you receive HomeBASE assistance and are terminated “for cause,” or you are later found by DHCD to have failed to make a “good faith effort” to comply your HomeBASE stabilization plan in ways that could have justified your being terminated from HomeBASE. 760 CMR 65.03(4)(a)2.

Terminations “for cause” include terminations:

For two or more incidents, without good cause, of:

- (a) Failing to repay arrearages to a former landlord, if a repayment obligation is in the housing stabilization plan;
- (b) Failing to repay damages to a former landlord, if a repayment obligation is in the housing stabilization plan;
- (c) Failing to comply with your Program Participation Agreement, including compliance with all HomeBASE rules and regulations;
- (d) Failing, substantially and materially, to comply with your lease, including paying your share of rent and utilities within five (5) days of due date;
- (e) Failing, substantially and materially, to comply your Stabilization Plan, including to attend in-person or telephonic meetings with your

Part 7 ■ HomeBASE Terminations and Appeals

Stabilization Worker if you had at least two days' advance written notice of such a meeting;

Or,

For one or more incident(s), without good cause, of:

- (f) Criminal conduct of a family member in the unit, in the building, or on the property on which the HomeBASE unit is located; except when the household member did not know or should not have known of the conduct and promptly took steps to exclude the person engaging in the conduct at issue;
- (g) Criminal conduct of a guest of the HomeBASE family in the unit, in the building, or on the property on which the HomeBASE unit is located; except when the household member did not know or should not have known of the conduct and took steps to exclude the person engaging in the conduct at issue;
- (h) Possession of lawful firearms in the unit, in the building, or on the property on which the HomeBASE unit is located; except when the household member did not know or should not have known of the conduct and took steps to exclude the person engaging in the conduct at issue;
- (i) Destruction of property in the unit, in the building, or on the property on which the HomeBASE unit is located; except when the household member did not know or should not have known of the conduct and took steps to exclude the person engaging in the conduct at issue;
- (j) Threats to health and safety of staff of the Department, the administering agency, the Owner or Owner's Agent, or to persons lawfully in the building or the on the property on which the unit is located;
- (k) Failure of a household member to use the HomeBASE unit as a primary residence;
- (l) Abandonment of the unit, which may be proved by showing your family removed its belongings, left its belongings in a disordered state indicating an intent to abandon and failed to respond within three (3) days to a written request by the administering agency to explain the

Part 7 HomeBASE Terminations and Appeals

situation; did not reside in the unit for a period of five (5) consecutive days without notifying the Owner or the Owner's agent and the administering agency; has abandoned the unit pursuant to 760 CMR 65.04(2)(i), which says that you must have good cause and give one calendar month's advance notice before leaving a HomeBASE unit; or has chosen to leave a Contract Unit without good cause as determined by 760 CMR 67.06(2)(c) (good cause includes but is not limited to leaving a unit because of a direct threat to health or safety or accepting employment or permanent housing elsewhere). If you leave a HomeBASE unit with good cause and after proper notice, you must find another unit to rent within 30 days, although the administering agency can extend that time for up to another 60 days for good cause, 760 CMR 65.04(2)(j);

- (m) Allowing a person who is not an authorized resident of the HomeBASE unit to share the unit without the permission of DHCD, the administering agency, and the Owner or the Owner's Agent, including a person allowed to stay overnight as a guest for more nights than permitted by the lease or for longer than 12 days over a 12-month period, whichever is shorter, unless the administering agency concludes that the pattern of overnights demonstrates by clear and convincing evidence that the overnight guest is not an occupant;
- (n) Not accurately reporting changes, including about material changes in income or assets or family composition, within 10 days of the change, or obtaining approval of an addition of a household member;
- (o) Rejecting an offer of safe, permanent housing;
- (p) Eviction for nonpayment of rent or other cause, including when a summary process action is commenced on behalf of the Owner, although a notice of termination must be rescinded if your household prevails in a summary process action or the Owner or Owner's agent agrees to allow the family to remain in the unit so long as you comply with a repayment agreement or Agreement for Judgment allowing your family to remain;
- (q) Failure to recertify, including by providing required verifications;
- (r) Becoming categorically ineligible for EA, including by no longer having a child under age 21 in the household (unless the children simply aged out or custody was lost due to no fault of the family) or

Part 7 ■ HomeBASE Terminations and Appeals

going over the HomeBASE income limit. **Note:** You should not be deemed ineligible for a single violation of a self-sufficiency plan. 760 CMR 65.05(1)(a) – (r) and (2)(a) – (e).

Advocacy Tips:

- ✓ Families who have received HomeBASE Household Assistance that has run out should not be given a HomeBASE termination notice later, but HomeBASE providers sometimes do this to keep families from being able to go back into shelter. Contact an advocate if this happens to you.
- ✓ If you get a HomeBASE termination notice you should appeal it to the administering agency within 7 days and contact an advocate. *See Question 24* on HomeBASE appeals.
- ✓ Even if you do not want to stay in your HomeBASE unit or do not want to continue working with HomeBASE staff, you should appeal because you will be barred from EA shelter for one year if you are terminated.
- ✓ Each of the termination reasons listed above has many defenses to the termination built into it or supplied elsewhere in the HomeBASE rules, and there is often a good defense to a termination.
- ✓ The HomeBASE participation agreement and regulations require a family to be provided with stabilization services. If you can show that your stabilization worker was unavailable to help you, you may be able to show that you should not have been terminated.
- ✓ If DHCD tries to bar you from EA shelter for failure to make a good faith effort to comply with your HomeBASE stabilization plan, check to see if you had a stabilization plan, since many recipients of HomeBASE Household Assistance do not. If you did not have one, tell DHCD, reapply for EA shelter, and contact an advocate.
- ✓ In some instances DHCD fails to translate vital documents, including the termination notice itself, into the family's primary language. If you received a termination notice and it was not in your primary language, or if you were terminated but did not receive important documents such as the HomeBASE lease or Program Participation

Agreement in your primary language, contact an advocate. You may be able to get a new hearing or get placed back on the HomeBASE program. **See Part 4.**

24 How do I appeal a HomeBASE termination?

The HomeBASE regulations say that you must appeal a termination by giving a written appeal to the HomeBASE administering agency within seven (7) days from when you receive the notice. This requirement may not be legal (see Advocacy Tips below) but it is important to try to file the appeal within the 7 days. 760 CMR 65.07(1)(a).

The administering agency will then schedule an appeal in front of an employee of the agency who was not involved in the termination decision.

If you lose the hearing in front of the administering agency, you can ask DHCD to review the decision; but, under the HomeBASE regulations, **you must ask for this review in writing within only 7 days.** You must then make your arguments to DHCD, in writing, within the time frame that DHCD gives you. 760 CMR 65.07(6).

Advocacy Tips:

- √ Before the hearing at the administering agency you should consult an advocate and try to get legal representation. You should also ask to see the administering agency's files to see what evidence they have about the termination and whether the termination decision is consistent with the HomeBASE regulations.
- √ The HomeBASE appeals process described above is likely illegal. The HomeBASE line item in the state budget says that HomeBASE appeals are supposed to be done through the same process that applies to EA appeals, pursuant to G.L. c. 23B, section 30(F), under which you are given 21 days to appeal and to be heard by a DHCD independent hearings officer. If you are being barred from EA shelter because of a HomeBASE termination, you and your advocate can argue that the termination was not lawful because you were denied the proper appeals process, although this argument will likely need to be made to a court.
- √ By allowing an appeal to DHCD only in writing, the HomeBASE regulations may unlawfully discriminate against persons with disabilities and persons with Limited English Proficiency who may have difficulty making arguments in writing.

Appendix A: DTA Offices Where There Are DHCD Staff Providing EA Benefits and Remote Application Number

Apply for shelter by calling 866-584-0653 to speak with a Homeless Coordinator.

Apply in person at a local DTA/DHCD office. Office hours are from 8:00 am - 4:00 pm:

- Boston – 1010 Massachusetts Avenue - New Market Square
- Brockton – 60 Main Street
- Chelsea – 80 Everett Avenue, 3rd Floor
- Hyannis – 181 North Street
- Lawrence – 280 Merrimack Street
- Lowell – 131 Davidson Street
- New Bedford – 160 West Rodney French Boulevard
- Salem – 45 Congress Street, Suite 1176
- Springfield – 310 State Street
- Worcester – 13 Sudbury Street

For more information contact the Division of Housing Stabilization at 617-573-1100, or call toll free at 877-418-3308, TTY 617-573-1140.

**** As of September 2020, all DTA/DHCD offices are closed due to the coronavirus pandemic. Applications can only be done by phone.**

Available at <https://www.mass.gov/how-to/find-emergency-family-shelter>

Appendices

Appendix B-1: DHCD Field Staff

Alvina Brevard, Director of Field Operations - Mobile: 857-272-4484

Ezequiel Lopes, Deputy Director of Field Operations – Mobile: 857-270-1150

(updated August 2020)

Note: All phone numbers are mobile numbers. As of September 2020, in-person offices are closed due to the coronavirus pandemic.

Boston Family Housing/1010 Mass. Ave

**Daniel Dessin, Assistant Director Field Operations/Boston & Southeast Regions
Office/Mobile: 857-505-4233**

Anderson Diaz, Supervisor	857-260-5414
Sean Wilson, Supervisor	857-260-7953
Grace Hartfield, Homeless Coordinator	
Kate Morrison, Homeless Coordinator	857-260-7952
Jean Sillice, Homeless Coordinator	857-260-5155
Iliana Ramirez, Homeless Coordinator	857-260-7818
Juna Enayo, Homeless Coordinator	857-260-5821
Katherine Lopez, Homeless Coordinator	857-260-5830
 Benny Troncoso, Hearing Specialist/BFH	 857-260-5618

North Shore (Lawrence, Lowell, Salem, Chelsea)

VACANT, Assistant Director Field Operations / North Shore

	Mobile
Jose Gonzalez, Supervisor	617-429-3180
Sean Wilson, Supervisor	857-260-7953
Melody Ruiz, Homeless Coordinator	857-260-5847
Flavia Salcedo, Homeless Coordinator	857-260-7836
Claudia Peralta, Homeless Coordinator	857-260-5917
Evelyn Rivera, Homeless Coordinator	857-260-5521
Maria Polanco, Homeless Coordinator	857-260-6337
Martha Smida, Homeless Coordinator	857-260-5816
VACANT, Homeless Coordinator	

South Shore (Brockton, Hyannis, New Bedford)

Daniel Dessin, Assistant Director Field Operations/Boston & Southeast Regions
Office/Mobile: 857-505-4233

	Mobile
Jordan Thomas, Supervisor	857-248-2886
Isabel Semedo, Homeless Coordinator	857-260-5391
Deborah Shields, Homeless Coordinator	857-260-6184
Medie Medina, Homeless Coordinator	857-260-6385
Ruth Ann Blake, Homeless Coordinator	857-260-5254
Elisangela Texeira, Homeless Coordinator	857-260-6113
 Benny Troncoso, Hearing Specialist/Brockton	 857-260-5618

Central and Western MA

Bonnie Caldwell, Assistant Director Field Operations/Central & Western Regions
Mobile: 413-276-5562

Central Region (Worcester)

	Mobile
Sheila Santelli, Supervisor	857-260-5744
Barbara White, Homeless Coordinator	857-260-6267
Kim Lauder, Homeless Coordinator	857-260-7921

Western MA (Springfield)

	Mobile
Twjana Williams, Supervisor	617-945-6396
Penelope Trigilio, Supervisor	413-265-9821
Laurel Fuller, Homeless Coordinator	857-260-5406
Tracey Burton, Homeless Coordinator	857-260-5213
Juanita Diaz, Homeless Coordinator	857-260-5159
Nilda Colon, Homeless Coordinator	857-260-5087
Shariece Davis, Homeless Coordinator	857-260-5112
Glenda Burgos, Homeless Coordinator	857-260-5727
VACANT, Homeless Coordinator	857-260-5727
 Maryanna Cevan, Hearing Specialist	 857-260-5146

Rev. 8/4/20

Appendices

Appendix B-2: DHCD/DHS Central Office Staff

Name	Position	Phone Number	Email
Alvina Brevard	Acting Associate Director		alvina.brevard@mass.gov
Adam Shaffer	Deputy Associate Director		adam.schaffer2@mass.gov
Virginia Griffin	Director of Homeless Family/Individual Contracts and Prevention		virginia.k.griffin@mass.gov
Bill Bartosch	Director of QA, Training, Research & Evaluation		william.bartosch@mass.gov
Barbara Duffy	Assistant Director of Placement & Non-Compliance		barbara.j.duffy@mass.gov
Erin Bartlett	Central EA ADA Coordinator		erin.bartlett@mass.gov
Caro Narby	Emergency Assistance ADA Coordinator		caroline.narby@state.ma.us

**Appendix C: Legal Services Intake Lines for EA/HomeBASE
Issues Sorted by Region**

Greater Boston

Eastern Regional Legal Intake (ERLI)/ Greater Boston Legal Services
800-342-5297 or 617-603-1700

North Shore

Northeast Legal Aid and Northeast Justice Center
800-336-2262 or 978-458-1465

South Shore and Cape Cod

South Coastal Counties Legal Services/Justice Center of Southeastern Mass.
800-244-9023 or 508-586-2110

Metro West

MetroWest Legal Services
800-696-1501 or 508-620-1830

Worcester County

Community Legal Aid – Worcester
855-252-5342 or 508-752-3718

Western Massachusetts

Community Legal Aid – W. Mass.
855-252-5342 or 413-781-7814

Appendices

Appendix D: HomeBASE and RAFT Administering Agencies

Berkshire Housing Development Corp. (BHDC) | 1 Fenn Street, Pittsfield, MA 01201
Phone 413-499-1630 / Fax 413-455-7633

Adams	Lanesborough	Richmond
Alford	Lee	Sandisfield
Becket	Lenox	Savoy
Cheshire	Monterey	Sheffield
Clarksburg	Mount Washington	Stockbridge
Dalton	New Ashford	Tyringham
Egremont	New Marlborough	Washington
Florida	North Adams	West Stockbridge
Great Barrington	Otis	Williamstown
Hancock	Peru	Windsor
Hinsdale	Pittsfield	

Central Massachusetts Housing Alliance (CMHA) | 6 Institute Road, Worcester, MA 01609
508-752-5519

City of Worcester

Community Teamwork, Inc. (CTI) | 155 Merrimack Street, Lowell, MA 01852
Phone 978-459-0551/800-698-0551 / Fax 978-453-9128

Amesbury	Haverhill	Salisbury
Andover	Lawrence	Tewksbury
Billerica	Lowell	Tyngsborough
Chelmsford	Merrimac	Westford
Dracut	Methuen	West Newbury
Dunstable	Newburyport	
Groveland	North Andover	

Franklin County Housing and Redevelopment Authority (HRA) | 241 Millers Falls Road, Turner Falls, MA 01376
Phone 413-863-9781 / Fax 413-863-9289

Ashfield	Greenfield	Orange
Bernardston	Hawley	Rowe
Buckland	Heath	Shelburne
Charlemont	Leverett	Shutesbury
Colrain	Leyden	Sunderland
Conway	Monroe	Warwick
Deerfield	Montague	Wendell
Erving	New Salem	Whately
Gill	Northfield	

Housing Assistance Corp. (HAC) | 460 West Main Street, Hyannis, MA 02601
Phone 508-771-5400 / Fax 508-775-7434

Aquinnah	Edgartown	Provincetown
Barnstable	Falmouth	Sandwich
Bourne	Gosnold	Tisbury
Brewster	Harwich	Truro
Chatham	Mashpee	Wellfleet
Chilmark	Nantucket	West Tisbury
Dennis	Oak Bluffs	Yarmouth
Eastham	Orleans	

NeighborWorks Housing Solutions | 169 Summer Street, Kingston, MA 02364
Phone 781-422-4200 / Fax 781-585-7483

Abington	Hanover	Plymouth
Acushnet	Hanson	Plympton
Attleboro	Hingham	Quincy
Berkley	Holbrook	Randolph
Braintree	Hull	Raynham
Bridgewater	Kingston	Rehoboth
Brockton	Lakeville	Rochester
Carver	Mansfield	Rockland
Cohasset	Marion	Scituate
Dartmouth	Marshfield	Seekonk
Dighton	Mattapoisett	Somerset
Duxbury	Middleborough	Swansea
East Bridgewater	New Bedford	Taunton
Easton	North Attleborough	Wareham
Fairhaven	North Easton	West Bridgewater
Fall River	Norton	Westport
Freetown	Norwell	Weymouth
Halifax	Pembroke	Whitman

Lynn Housing and Neighborhood Development (LHAND) | 20 Wheeler Street, Lynn, MA 01902
333-883-2342

Beverly	Lynn	Peabody
Boxford	Lynnfield	Rockport
Danvers	Magnolia	Rowley
Essex	Manchester	Salem
Georgetown	Marblehead	Saugus
Gloucester	Middleton	Swampscott
Hamilton	Nahant	Topsfield
Ipswich	Newbury	

Appendices

Metro Housing | Boston | 1411 Tremont Street, Boston, MA 02120
Phone 617-859-0400/800-272-0900 (MA only) / Fax 617-532-7559

Arlington	Lexington	Somerville
Bedford	Malden	Stoneham
Belmont	Medford	Wakefield
Boston	Melrose	Waltham
Braintree	Milton	Watertown
Brookline	Newton	Wilmington
Burlington	North Reading	Winchester
Cambridge	Quincy	Winthrop
Chelsea	Reading	Woburn
Everett	Revere	

RCAP Solutions, Inc. | 191 May Street, Worcester, MA 01602
Phone 978-630-6600/800-488-1969 / Fax 978-630-2751

Ashburnham	Gardner	Shirley
Ashby	Grafton	Shrewsbury
Athol	Groton	Southborough
Auburn	Hardwick	Southbridge
Ayer	Harvard	Spencer
Barre	Holden	Sterling
Bellingham	Hopedale	Sturbridge
Berlin	Hubbardston	Sutton
Blackstone	Lancaster	Templeton
Bolton	Leicester	Townsend
Boylston	Leominster	Upton
Brookfield	Lunenburg	Uxbridge
Charlton	Mendon	Warren
Clinton	Milford	Webster
Douglas	Millbury	West Boylston
Dudley	Phillipston	West Brookfield
East Brookfield	Princeton	Westborough
Fitchburg	Royalston	Westminster
Franklin	Rutland	Winchendon

South Middlesex Opportunity Council, Inc. (SMOC) | 7 Bishop Street, Framingham, MA 01702
Phone 508-872-4853 / Fax 508-620-2697

Acton	Framingham	Norwood
Ashland	Holliston	Plainville
Boxborough	Hopkinton	Sudbury
Canton	Maynard	Walpole
Carlisle	Medfield	Wayland
Concord	Medway	Wellesley
Dedham	Millis	Weston
Dover	Natick	Westwood
Foxborough	Norfolk	Wrentham

Way Finders | 322 Main Street, Springfield, MA 01105
Phone 413-233-1500/800-332-9667 / Fax 413-731-8723

Agawam	Hadley	Plainfield
Amherst	Hampton	Russell
Belchertown	Hartfield	South Hadley
Blandford	Holland	Southampton
Brimfield	Holyoke	Southwick
Chester	Huntington	Springfield
Chesterfield	Longmeadow	Wales
Chicopee	Ludlow	Ware
Cummington	Middlefield	Westford
East Longmeadow	Monson	Westhampton
Easthampton	Montgomery	West Springfield
Goshen	Northampton	Wilbraham
Granby	Palmer	Williamsburg
Granville	Pelham	Worthington

Appendices

Appendix E: Regional Non-Profits Administering Other Housing Services

Region 1

Berkshire Housing Development Corp (BHDC) (Berkshire County)

1 Fenn Street
Pittsfield, MA 01201
413-499-1630
www.berkshirehousing.com

Region 5 *

Way Finders (Hampden and Hampshire)

322 Main Street
Springfield, MA 01105
413-233-1500
1-800-332-9667
www.wayfindersma.org

Franklin County Housing & Redevelopment Authority (HRA) (Franklin County)

241 Millers Falls Road
Turner Falls, MA 01376
413-223-5304
www.fchra.org

Region 2

Community Teamwork, Inc. (CTI) (Lowell/Lawrence area)

Community Teamwork, Inc.
155 Merrimack Street
Lowell, MA 01852
978-459-0551
www.comteam.org

Region 6 **

Metro Housing Boston (Metro Boston)

1411 Tremont Street
Boston, MA 02120
617-859-0400
www.metrohousingboston.org

Region 7

RCAP Solutions (Worcester Area)

191 May Street
Worcester, MA 01602
800-488-1969
www.rcapsolutions.org

Region 4

Housing Assistance Corp. (HAC) (Cape Cod & the Islands)

460 West Main Street
Hyannis, MA 02601
508-771-5400
www.haconcapecod.org

Region 8

South Middlesex Opportunity Council, Inc. (SMOC) (Framingham Area)

South Middlesex Opportunity
Council, Inc. (SMOC)
7 Bishop Street
Framingham, MA 01702
508-872- 4853
www.smoc.org

Region 9

NeighborWorks Housing Solutions (South Shore)

169 Summer Street
Kingston, MA 02364
781-422-4200
www.nhsmass.org

* In DHCD's Section 8 program, Way Finders covers all communities in Hampden, Hampshire and Franklin counties. The Franklin County Regional Housing Authority (FCHRA) also administers its own Section 8 program in Franklin County communities.

** Metro Housing Boston covers Section 8 programs for the towns of Weymouth, Holbrook, and Randolph; for other programs, including RAFT and HomeBASE, they are covered by NeighborWorks Housing Solutions as indicated in Appendix D.

Berkshire Housing Development Corp (BHDC) (Berkshire County)

Adams	Hancock	New Ashford	Southfield
Alford	Hinsdale	New Marlborough	Stockbridge
Becket	Housatonic	North Adams	Tyringham
Cheshire	Lanesborough	Otis	Washington
Clarksburg	Lee	Peru	West Stockbridge
Dalton	Lenox	Pittsfield	Williamstown
Drury	Lenoxdale	Richmond	Windsor
Egremont	Mill River	Sandisfield	
Florida	Monterey	Savoy	
Great Barrington	Mount Washington	Sheffield	

Community Teamwork, Inc. (CTI) (Lowell/Lawrence area)

Amesbury	Essex	Marblehead	Salem
Andover	Georgetown	Merrimac	Salisbury
Beverly	Gloucester	Methuen	Saugus
Billerica	Groveland	Middleton	Swampscott
Boxford	Hamilton	Nahant	Tewksbury
Bradford	Haverhill	Newbury	Topsfield
Byfield	Ipswich	Newburyport	Tyngsborough
Chelmsford	Lawrence	North Andover	Wenham
Danvers	Lowell	Peabody	West Newbury
Dracut	Lynnfield	Rockport	Westford
Dunstable	Manchester	Rowley	

Housing Assistance Corp. (HAC) (Cape Cod & the Islands)

Aquinnah	East Sandwich	Oak Bluffs	Truro
Barnstable	Eastham	Orleans	Vineyard Haven
Bass River	Edgartown	Osterville	Waquoit
Bourne	Falmouth	Pocasset	Wellfleet
Brewster	Forestdale	Provincetown	West Barnstable
Buzzards Bay	Gosnold	Sagamore	West Chatham
Cataumet	Harwich	Sagamore Beach	West Dennis
Centerville	Harwichport	Sandwich	West Falmouth
Chatham	Hyannis	Siasconset	West Harwich
Chilmark	Hyannisport	Silver Beach	West Hyannisport
Cotuit	Marstons Mills	South Chatham	West Tisbury
Craigville	Mashpee	South Dennis	West Yarmouth
Cummuquid	Menemsha	South Harwich	Woods Hole
Dennis	Monument Beach	South Orleans	Yarmouth
Dennisport	Nantucket	South Wellfleet	Yarmouthport
East Dennis	North Chatham	South Yarmouth	
East Falmouth	North Falmouth	Teaticket	

Appendices

East Orleans

North Truro

Tisbury

NeighborWorks Housing Solutions (South Shore)

Abington	Easton	Marshfield	Rochester
Acushnet	Fairhaven	Mattapoisett	Rockland
Assonet	Fall River	Middleborough	Scituate
Attleboro	Freetown	Monponsett	Seekonk
Berkley	Green Harbor	New Bedford	Somerset
Brant Rock	Greenbush Halifax	North Attleborough	Swansea
Bridgewater	Hanover	North Easton	Taunton
Brockton	Hanson	Norton	Wareham
Bryantville	Hingham	Norwell	West Bridgewater
Carver	Hull	Ocean Bluff	Westport
Cohasset	Humarock	Onset	White Horse Beach
Dartmouth	Kingston	Pembroke	Whitman
Dighton	Lakeville	Plymouth	
Duxbury	Manomet	Plympton	
East Bridgewater	Mansfield	Raynham	
East Freetown	Marion	Rehoboth	

Metro Housing | Boston (Metro Boston)

Arlington	East Boston	Navy Yard	Squantum
Astor	Everett	Newton	Stoneham
Back Bay	Forest Hills	Newtonville	Uphams Corner
Bedford	Franklin Park	North Reading	Wakefield
Belmont	Holbrook	Quincy	Waltham
Boston	Hyde Park	Randolph	Watertown
Braintree	Jamaica Plain	Reading	West Roxbury
Brighton	Lexington	Readville	Weymouth
Brookline	Long Island	Revere	Wilmington
Burlington	Lynn	Roslindale	Winchester
Cambridge	Malden	Roxbury	Winthrop
Charlestown	Mattapan	Roxbury Crossing	Woburn
Chelsea	Medford	Soldiers Field	Wollaston
Chestnut Hill	Melrose	Somerville	
Dorchester	Milton	South Boston	

RCAP Solutions (Worcester Area)

Ashburnham	Fitchburg	Milbury	Spencer
Ashby	Franklin	Millville	Sterling
Athol	Gardner	New Braintree	Sturbridge
Auburn	Gilbertville	North Brookfield	Sutton
Ayer	Grafton	Northborough	Templeton
Baldwinville	Groton	Northbridge	Townsend
Barre	Hardwick	Oakham	Upton
Bellingham	Harvard	Oxford	Uxbridge
Berlin	Holden	Paxton	Warren
Blackstone	Hopedale	Pepperell	Webster
Bolton	Hubbardston	Petersham	West Boylston
Boylston	Jefferson	Phillipston	West Brookfield
Brookfield	Lancaster	Princeton	Westborough
Charlton	Leicester	Rochdale	Westminster
Cherry Valley	Leominster	Royalston	Wheelwright
Clinton	Lincoln Village	Rutland	Whitinsville
Douglas	Linwood	Shirley	Wilkinsonville
Dudley	Lunenburg	Shrewsbury	Winchendon
East Brookfield	Mendon	Southborough	Worcester
Fiskdale	Milford	Southbridge	

South Middlesex Opportunity Council, Inc. (SMOC) (Framingham Area)

Acton	Framingham	Millis	Sudbury
Ashland	Holliston	Natick	Walpole
Avon	Hopkinton	Needham	Wayland
Boxborough	Hudson	Norfolk	Wellesley
Canton	Lincoln	Norwood	Weston
Carlisle	Littleton	Plainville	Westwood
Concord	Marlborough	Sharon	Wrentham
Dedham	Maynard	Sherborn	
Dover	Medfield	Stoughton	
Foxborough	Medway	Stow	

Appendices

Way Finders (Hampden, Hampshire, & Franklin Counties)

Agawam	Feeding Hills	Longmeadow	Southampton
Amherst	Florence	Ludlow	Southwick
Ashfield	Gill	Middlefield	Springfield
Belchertown	Goshen	Monroe	Sunderland
Bernardston	Granby	Monson	Thorndike
Blandford	Granville	Montague	Three Rivers
Bondsville	Greenfield	Montgomery	Tolland
Brimfield	Hadley	New Salem	Turners Falls
Buckland	Hampden	Northampton	Wales
Charlemont	Hatfield	Northfield	Ware
Chester	Hawley	Orange	Warwick
Chesterfield	Heath	Palmer	Wendell
Chicopee	Holland	Pelham	West Springfield
Colrain	Holyoke	Plainfield	Westfield
Conway	Huntington	Rowe	Westhampton
Cummington	Indian Orchard	Russell	Whately
Deerfield	Lake Pleasant	Shelburne	Wilbraham
East Longmeadow	Leeds	Shelburne Falls	Williamsburg
Easthampton	Leverett	Shutesbury	Worthington
Erving	Leyden	SouthHadley	