

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. When families appear eligible, have no safe place to stay that night, and there are no available shelter spaces, EOHLC will sometimes place families in hotels paid for by a nonprofit until a placement opens in the shelter system.

Policy changes that have been in effect since 2019 require that families be placed in shelter “but for not having spent 1 night” in a place not meant for human habitation. As of the date of publication, however, EOHLC has not issued guidance to field offices about how this policy change will be implemented.

In addition, EOHLC sometimes refuses to take an application, or delays taking or finalizing an EA application and making a decision. If you have no safe place to stay and EOHLC will not finalize a decision or give you a presumptive placement, contact an advocate.

Advocacy Tips:

- ✓ EOHLC should not delay placing you in shelter if you qualify for EA. Contact an advocate if EOHLC tries to postpone placing you and you have no safe place to stay.

- ✓ EOHLC has an agreement with the Department of Children and Families (DCF) to do health and safety assessments of housing arrangements that families report 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 12*). Contact an advocate if you feel discouraged from applying for shelter because of an assessment or if you have nowhere to stay and EOHLC is delaying your placement pending a health and safety assessment.
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14 Where can you be placed if you qualify for EA shelter?

If you qualify for EA shelter, EOHLC 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 use shelter if you or another adult in the family have a substance use problem,
- A young parents living program if you are a teen parent or a pregnant teen under age 22, receive TAFDC benefits, and space is available, **or**
- Another EOHLC-approved temporary shelter, such as a motel. If you are placed in a motel, EOHLC should transfer you to a family shelter as soon as space is available. 760 CMR 67.06(3).

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In certain circumstances, EOHLC 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, EOHLC must place you in a shelter within 20 miles of your home community if there are any openings in the area that can accommodate your family. 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, EOHLC 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).

You can appeal a shelter placement more than 20 miles from your home community, but you should go to the placement while the appeal is in process or you may be terminated for not accepting a placement. Issues such as type of shelter, location within 20 miles of the home community or the type of EA shelter placement provided are not appealable. 760 CMR 67.09(2)(b)2 and 67.09(2)(c).

EOHLC 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. If not, you may be terminated and barred from receiving further help. *See Questions 10 and 17.*
- ✓ EOHLC 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 EOHLC worker. You may also contact the school's McKinney-Vento Homeless Education Liaison, or contact the Homeless Education State Coordinator at the Department of Elementary and Secondary Education (DESE).

- ✓ EOHLC 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 EOHLC worker that you need a “reasonable accommodation.” *See Questions 18 and 19* for more information about the Americans with Disabilities Act (ADA) or contact an advocate.
 - ✓ EOHLC should place you in an area that does not cause you to lose your job. Tell EOHLC if you think an offered placement would interfere with your keeping a job. If possible, make a written request explaining the reasons to EOHLC. Shelter placements are made by EOHLC Central Staff; you can contact Contracting and Performance Manager Barbara Duffy at barbara.j.duffy@mass.gov.
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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. You may be able to access local referrals by calling 2-1-1 from anywhere in the state. If you live in the City of Boston, you can 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 Rehousing and Stabilization Plans?

A **Rehousing 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 EOHLC worker, the shelter provider and the adults in the family. A dependent 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 Rehousing 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 rehousing, 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

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- Take part in work, education, training, community service, or substance use treatment 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 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 Rehousing 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 people stay with you
- 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

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- Not leave any child under the age of 12 unattended in the HomeBASE unit
- Comply with all service plans from other agencies
- 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 Rehousing Plan or a Stabilization Plan that you do not understand or is not reasonable for you or your family, ask EOHLC or the shelter or your HomeBASE provider to explain it or change it. If you cannot fully understand the plan in English, tell EOHLC 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 Rehousing 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 21.* It is important to appeal a finding that you did not follow your Rehousing Plan because three such findings can lead you to be terminated from shelter; *see Question 16.*

17 When can your emergency shelter benefits be terminated?

EOHLC 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 EOHLC 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

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the housing would require the parent to leave a job that is part of their Rehousing Plan; the housing would interfere with access to critical medical needs of household members, including access to 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).

EOHLC can also terminate your family's shelter benefits if your 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 EOHLC)
- A family member does not cooperate in developing a Rehousing 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 Rehousing 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 <https://www.mass.gov/files/documents/2016/07/wz/s-ea-forms-summary-of-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 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 <https://www.mass.gov/files/documents/2016/07/ui/s-ea-forms-overnight-request-form-january-2015-english.pdf>.
- ✓ For absences of more than 4 nights in a month, ask your EOHLC 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

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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. TESI's last a maximum of 30 days, but families may ask for one extension for a total of 60 days. Families that 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

<https://www.mass.gov/files/documents/2016/07/xh/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 Understanding (MOU) between DCF and EOHLC, 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 Director and Legal Counsel Adrian Walleigh, (adrian.walleigh@mass.gov).
- ✓ Decisions on shelter noncompliances and terminations based on alleged rules violations are made by the EOHLC Central Office in Boston. Before the shelter asks EOHLC to issue the notice it is supposed to give you 24 hours to write up your side of the story for EOHLC 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 <https://www.mass.gov/files/documents/2016/08/wj/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 21** on appeals.
- ✓ The Americans with Disabilities Act (ADA) may make it unlawful for EOHLC 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

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a placement because the shelter did not accommodate your disability.)
See Question 18 or ask an advocate for more information about the ADA.

- ✓ The EOHLC 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 EOHLC for not resolving a warrant in 30 days, appeal the termination and consult an advocate. If the termination is appealed within 10 days, your family can stay in shelter during the appeal process.