

# Part 2

## EA Placements and Terminations

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### 12 How long does it take to be placed in emergency shelter?

If your family has no place to stay, including if you need immediately to leave your current housing for medical reasons, mistreatment, or sanitary code violations, you should be placed immediately.

If your family has only a temporary place to stay, you should be placed when the temporary location is no longer available.

If you have a temporary place to stay but you think it is unsafe, DHCD has 7 days to do a health and safety assessment. If DHCD finds it is unsafe or if DHCD fails to do the assessment within 7 days, you have a right to be placed in shelter on day 7.

106 C.M.R. § 309.050. See also DTA Field Operations Memo 97-1 (Jan. 3, 1997).

#### ***Advocacy Tips:***

- √ DHCD should not delay placing you in shelter if you qualify and have no place to stay. Contact an advocate if DHCD tries to postpone placing you in shelter and you have no place to stay.
- √ At the time this Guide went to print, DHCD had entered into a new agreement with the Department of Children and Families (DCF) to do assessments of currently available housing that a family claims is not safe. DCF should not be brought in if there is no currently available

housing. Assessments of currently available but unsafe housing should not delay placements in EA shelter. Contact an advocate if you feel discouraged from seeking needed shelter because of a DCF assessment or if you think a DCF assessment is not appropriate.

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## 13 Where can DHCD place you in shelter?

If you qualify for emergency shelter, DHCD can place you

- in a shelter with other families (congregate shelter),
- in an apartment (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 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. 106 C.M.R. § 309.040(C).

DHCD may be able to place an adult child (18 or older) or a second parent in a separate shelter and possibly in a shelter for single adults. 106 C.M.R. § 309.040(C).

DHCD must place you in a shelter within 20 miles of your home community if there are any openings in the area. If you are placed more than 20 miles from your home community, DHCD must transfer you to a family shelter within 20 miles of your home community as soon as there is an opening, unless you do not want to move. 106 C.M.R. § 309.040(C).

DHCD can transfer you from one shelter to another shelter if it thinks it would be “efficient” to transfer you. 106 C.M.R. § 309.040(D).

**Advocacy Tips:**

- √ Even if you think you have a good reason for refusing a shelter placement that DHCD offers (either as an initial placement or as a transfer), you should accept the placement if at all possible and then appeal the placement to avoid being terminated and barred from shelter for 12 months. See **Questions 9** and **15**.
- √ DHCD is supposed to make every effort to insure that children in shelter can continue going to school in their home communities. If you want to be placed so your children can continue going to school in their home community, make a written request to the local DHCD office and call DHCD's central housing unit, 617-573-1347.
- √ DHCD must take into account disability-related reasons why you need to be placed near your home community, or why you need a particular type of shelter. For example, if you or a member of your family uses a wheelchair, DHCD must provide a wheelchair-accessible shelter. If a family member has mental health problems and needs privacy, DHCD should place you in a shelter that provides more privacy. See **Questions 16** and **17** for more information about the Americans with Disabilities Act or contact an advocate.
- √ DHCD should also take into account medical or job reasons why you need to be placed near your home community. If possible, make a written request explaining the reasons to DHCD.

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## 14 What is a Rehousing Plan?

A Rehousing Plan (formerly called a Self-Sufficiency Plan) is a plan that the adults in a family must follow when they are in shelter. The plan is made up 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 the plan or following it can lead to a finding of noncompliance and two such findings of noncompliance can lead to termination of shelter benefits. See **Question 15**.

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A Rehousing Plan may require the 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 providing documentation needed to get public or subsidized housing,
- save 30% of the household's net income (after taxes and other withholdings), but this requirement should not be applied to families in motels and should be lifted or reduced if a change would lead to more rapid rehousing, if the requirement is not reasonable for an individual family, or if the family needs to use the money instead to reduce debts, such as past rent or utilities, in order to be able to get permanent housing, and
- take part in work, education, training, community service or substance abuse activities for 30 hours per week, but this requirement must be reduced or lifted to accommodate a disability, lack of transportation or child care, the need to address medical, mental health and/or domestic violence issues, the lack of a site identified by the department to do the activity, and the need to care for a child under the age of 3 months old.

106 C.M.R. § 309.040(D)(2).

### ***Advocacy Tips:***

- √ If you are asked to sign a Rehousing Plan that you do not understand or is not reasonable for you or your family, ask DHCD or the shelter to explain it or change it. If you still have questions or concerns, consult an advocate.
- √ If you have signed a Plan that you now think is unworkable or not reasonable, ask DHCD or the shelter for a reassessment of your plan

and make a record of that request. If your workers refuse to change the Plan, consult an advocate.

- √ If you are sent 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 18**. It is important to appeal a finding that you did not follow your Plan because two such findings can cause you to be terminated from shelter, see **Question 15**, and you may not be able to challenge the first finding if you do not appeal it when that finding is made.

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## 15 When can DHCD terminate your emergency shelter benefits?

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 herself, 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 required a family member’s attention)
- your family abandons shelter (“abandonment” means you were absent from shelter for at least 2 nights in a row or repeatedly 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, although you can stay for six months to look for housing unless you do not save as much as you were supposed to save during the six-

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month period or become ineligible 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 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).

DHCD can also terminate your family's shelter benefits after any two of the following things happen, or if any one of them happens more than once:

- a family member poses a threat or previously posed a threat to the health, safety or security of herself, other family members, 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 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 reasons,

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- a family member violates a shelter's rules more than three times (even if the shelter would allow you to stay) unless you can show the rule was unreasonable, or
- your family is cited for one violation of DHCD's hotel rules or you are expelled from a hotel or motel. 106 C.M.R. § 309.040(E), (F).

**Note:** DHCD regulations say that an individual is ineligible for EA shelter if s/he has an outstanding default or arrest warrant and the warrant is not resolved within 30 days of the individual being told of the warrant by DHCD. 106 C.M.R. § 309.020(K). Under the regulation, only the individual is ineligible; but if the individual is the only adult in the household, DHCD will likely terminate shelter for the entire family.

### ***Advocacy Tips:***

- √ Consult an advocate and/or file an appeal if your shelter benefits are terminated or DHCD issues a noncompliance notice for any reason you think may be wrong. See **Question 18** on appeals.
- √ The Americans with Disabilities Act (ADA) may prohibit DHCD from terminating your shelter or citing you for noncompliance if the reason for the termination or noncompliance is related to disability (for example, you violated a rule because of your disability or you left a shelter placement because it did not accommodate your disability). See **Question 16** and ask an advocate for more information about the ADA.
- √ DHCD's regulation that says that an individual is ineligible for shelter if an outstanding warrant is not resolved in 30 days may violate a new statute that says the warrant rule applies only to "non-shelter" EA benefits. M.G.L. c. 23B, § 30(C), as amended by St. 2009, c. 37, § 15. If you receive a termination notice from DHCD for not resolving a warrant in 30 days, consult an advocate.
- √ DHCD is offering some families short-term housing subsidies to move them from shelter to housing. See **Question 19**. If you reject an offer of housing that is affordable only because of a short-term subsidy, DHCD may try to terminate your shelter benefits. Consult an advocate

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if you are given a termination notice or told you will be terminated for refusing an offer of housing that is affordable only because of a short-term subsidy.

- √ If you are offered a housing subsidy but have no housing unit with which to use it, you should not have your shelter benefits terminated for having “feasible alternative housing.” 106 C.M.R. § 309.040(F)(1)(f). If DHCD terminates your shelter in this situation, file an appeal and contact an advocate.