

Part 1

Emergency Assistance

Eligibility

1 What is Emergency Assistance (EA)?

Emergency Assistance (EA) is a state program that provides certain homeless families with children with:

- emergency shelter and
- help finding housing.

As of August 1, 2011, 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 \$8,000 per year for rent or utility arrears, payments to allow a homeless family 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 (EA) so it is important you complete an EA application even if you only want HomeBASE. HomeBASE is available to help you avoid going into shelter or is available to help you leave shelter.

760 CMR 67 (EA regulations)

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

760 CMR 65.00 (HomeBASE regulations) available at <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/DHS workers are located in DTA offices and EA applications are taken there. In addition, DHCD has recently established a telephone line that families are supposed to be able to call and apply for EA remotely if they cannot make it to a local office. That number is **866-584-0653**. See **Appendix A**.

You can apply for EA at the local offices of the Department of Transitional Assistance (DTA) listed in **Appendix A** between 8 a.m. and 4 p.m. each weekday.

Advocacy Tips:

- √ You should go to your local DHCD/DTA office as early in the day as possible since the application process often takes all day.
- √ DHCD should take your application that day. If someone tries to send you away before your application is taken but you need a place to stay right away, ask to talk to a DHCD Supervisor or contact an advocate.
- √ 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 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 go to DHCD to 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 can appeal. See **Question 20**.
- √ DHCD is not taking EA applications at every DTA. This may violate state law. St. 2009, c. 27, § 142. If this causes a problem for you, contact an advocate.

3 Which homeless families are eligible for EA?

EA is for some:

- homeless children under age 21 and their families, including parents, stepparents, other close relatives or legal guardians who are primary caretakers of a child, and/or
- homeless pregnant women at any stage of pregnancy, and the pregnant woman's spouse, 760 CMR 67.02(1),

who meet financial and other eligibility rules. See **Questions 4-11**.

Note: DHCD has said that for these purposes a “step-parent” and a “spouse” include persons with whom the parent or pregnant woman is “involved as a couple in an inter-dependent relationship that is intended to be long-term.” Housing Stabilization Notice 2011-02 available at <http://www.mass.gov/hed/docs/dhcd/hs/hsn201102.pdf>. In other words, you do not have to be married to qualify as a ‘spouse’ or a ‘step-parent’.

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 no more than 115% of the federal poverty limit for your family size. The federal poverty limit usually goes up slightly in January or February each year. As of January 2017, when the federal poverty limit was last increased, the EA eligibility standards for applicants are:

Household Size	EA Eligibility Standard (monthly)
1	\$1,156
2	\$1,556
3	\$1,957
4	\$2,358
5	\$2,758
6	\$3,159
7	\$3,559
8	\$3,960
Each additional household member	\$401

The notice containing the current eligibility guideline is Housing Stabilization Notice 2017-01 and can be found at <http://www.mass.gov/hed/docs/dhcd/hs/hsn/hsn2017-01.pdf>.

Remember: These limits usually change each January or February.

EA looks at your gross income, which is your total income prior to any tax withholdings or other deductions. 760 CMR 67.02(5). DHCD usually asks for your last 4 wage stubs, or last 2 if you are paid every other week. Since there are usually more than 4 weeks in a month, to calculate your gross monthly DHCD takes your last 4 weekly pay stubs, adds them together, divides by 4, and 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 will generally use for your monthly gross income.

But, if you expect your income to go down, DHCD should use the best estimate of income for the *next* month. See 106 CMR 702.920, incorporated into the 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 confirming what your future pay will be.

See **Question 5** to see what income does and does not count for EA.

For families receiving EA. If you are receiving EA shelter benefits and your gross income goes over the EA eligibility standard, you can continue to receive benefits for six more months unless you become ineligible for another reason. To receive shelter for the next six months, 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. 760 CMR 67.02(5)(d)-(f).

In special situations, DHCD may extend your EA benefits beyond the six months. 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 benefits until your income goes over 50% of the median income for your area as long as you are complying

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with your stabilization plan (see **Question 16**). But DHCD amended its regulations in 2013 to deny this higher income limit to families receiving HomeBASE household assistance. This may be illegal as it is inconsistent with language in the HomeBASE line item in the state budget. If you are affected by this change, contact an advocate. Annual income equal to 50% of area median income for your area can be found on the “very low income” lines on the chart available at <https://www.huduser.gov/portal/datasets/il/il16/index.html>.

Advocacy Tips:

- √ Before using 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 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. 760 CMR 67.02(5)(b), citing portions of 106 CMR 204.

- Income that *is* counted for EA includes:
 - **Earned income** (such as wages, tips, salary, and self-employment income minus business expenses), 106 CMR 204.210(A), and
 - **Unearned income** (such as Social Security, unemployment compensation, veteran’s benefits and income from trusts). 106 CMR 204.210(B).

Note: For EA (unlike TAFDC), countable income also includes Supplemental Security Income (SSI), TAFDC, Emergency Aid to the Elderly, Disabled and Children (EAEDC) and all child support actually received by the household. 760 CMR 67.02(5)(b).

- Income that *is not* counted includes:
 - foster care payments you receive for a foster child,
 - 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.

When DTA administered EA, it took the position that the following payments were non-countable (since DHCD is applying DTA's former regulations, DHCD 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, Jan. 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 \$2,500. That means you generally must have less than \$2,500 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,
 - the value of vehicles owned by the household except for the first \$15,000 in fair market value of one 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:

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- the first \$15,000 in fair market value of one vehicle, as well as any additional value that DHCD agrees to discount in order to allow a family to own a reliable vehicle,
 - household and personal belongings,
 - assets you do not have ready access to (such as assets tied up in court proceedings or real estate you cannot immediately sell),
 - the Earned Income Tax Credit in the month of receipt and the following month, and assets used to produce income, such as a vehicle used for self-employment,
 - up to \$7,500 in relocation payments that was received by a tenant to leave a foreclosed property, DTA Transitions, Jan. 2008, p. 7, **and**
 - 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 EA 6-month over-income period (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. 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 2014. St. 2014, c. 158, section 22.

7

What are the EA transfer of asset 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.
- A 2009 state law says that DHCD can deny you EA if it can prove that, in the previous year, you transferred, assigned or depleted assets that would have made you ineligible for EA and the transfer, assignment or depletion was for reasons that were not reasonable at the time or for reasons that do not qualify as “good cause.” M.G.L. c. 23B, § 30(B), as amended by St. 2009, c. 27, § 14.

“Good cause” reasons, for this rule, include *but are not limited to* that the funds were spent for necessary or reasonable costs of living such as rent, utilities, food, health-related needs, education-related expenses, or transportation. As of this writing, DHCD has not yet revised its regulations to include the 2009 law.

Advocacy Tip:

- √ The Legislature repealed the state law that used to say that a family should be denied EA if it transferred property in the past year for the purpose of getting EA. So the DHCD regulation based on that law may now be invalid. If you are denied EA because DHCD says you transferred property for the purpose of getting EA, contact an advocate.

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, as a result of regulations issued in summer 2012, you are eligible only if you fall into one of four fairly narrow categories:

1. Your household is:
 - a. at risk of domestic abuse in the current housing situation; or
 - b. homeless because the head of household fled domestic violence and the household has 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, although the family must show they have no other place to stay now,

2. Your household is homeless 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, for no fault of the members of the household;
 - b. condemnation, for no fault of the members of the household;
 - c. 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

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seeking shelter, as well as situations where the primary breadwinner didn't pay the rent and is no longer part of the household;

- d. nonpayment of rent caused by
 - (i) a documented medical condition, or
 - (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 only a loss of 10% or more of your income counts and that this eligibility category applies only to those who were paying more than 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: This provision also includes families who are evicted because the owner is selling the building, the owner wants to move a family member into the apartment, or the owner wants to make significant renovations to the unit or building.

or

- 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 not either the head of household on the lease 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,

Note: Housing “not meant for human habitation” is defined narrowly in 760 CMR 67.06(1)(f)6.d.(ii) and 8. to cover only housing that i. lacks a supply of hot and cold water accessible for personal use, ii. lacks heat from September 16 through June 14, iii. lacks electricity or lighting or you do not have access to control of the lighting or electricity for personal use or to dim for sleeping, lack of operable toilet facilities, or 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 should the family remain in such housing situation. 760 CMR 67.06(1)(a)4.

Note: DHCD has issued a policy memos concerning: how to verify domestic violence for purposes of Category 1, Housing Stabilization Notice 2013-07B, <http://www.mass.gov/hed/docs/dhcd/hs/hsn/hsn201307b.pdf>; how it intends to determine whether a family is at “fault” for an eviction for purposes of Categories 2 and 3, Housing Stabilization Notice 2012-09A, <http://www.mass.gov/hed/docs/dhcd/hs/hsn/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 2012-06B and 2012-10, <http://www.mass.gov/hed/docs/dhcd/hs/hsn/hsn2012-06b.pdf> and <http://www.mass.gov/hed/docs/dhcd/hs/hsn201210.pdf>.

Advocacy Tips:

- √ Former homeowners who have been evicted following a foreclosure for failure to make mortgage payments will generally not be considered eligible for EA on the basis of a “no fault” foreclosure 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 <http://mass.gov/hed/docs/dhcd/hs/hsn/hsn2012-09a.pdf>.

- √ Families who received HomeBASE rental assistance and reached the end of their 24 months of maximum assistance without being terminated for cause are eligible for EA shelter even if they do not fall into any of these four categories. They should be placed in shelter even if they are evicted from the former HomeBASE unit for nonpayment of rent after the HomeBASE ended. *See* Housing Stabilization Notice 2013-03 and 2013-03A available at <http://www.mass.gov/hed/docs/dhcd/hs/hsn/hsn2013-03.pdf> and <http://www.mass.gov/hed/docs/dhcd/hs/hsn/hsn2013-03aextension.pdf>.

9

What kind of health and safety risk is serious enough for eligibility under category number 4?

Under the regulations, 760 CMR 67.06(f)6., for children who are sleeping in a doubled-up housing situation, there is 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:

- a. Exposure to either 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;

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- 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) The presence of physical conditions that have already led to condemnation of the unit due to no fault of the EA household; or
 - (ii) The housing 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 and those problems are:
 - i. Lack of a supply of hot and cold water or inability to access for personal use;
 - ii. Lack of heat from September 16 through June 14;
 - iii. Lack of electricity of lighting or inability to control 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.

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 enough health and safety risk must be verified by the Department of Children and Families (DCF). 760 CMR 67.06(1)(e)3. and 4. However, if the family appears eligible based on

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their own statements, the family is supposed to be placed in shelter pending the DCF assessment and collection of other verifications. See **Questions 12 and 13.**

Note: In October 2016 DHCD issued a new policy memo stating 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 DCF completes the assessment. See Housing Stabilization Notice 2016-03 at <http://www.mass.gov/hed/docs/dhcd/hs/hsn/hsn2016-03.pdf>.

Advocacy Tips:

- √ Many families will not qualify for EA shelter 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). Therefore, in order to be eligible, many families seeking EA will need to 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, or the place they are staying qualifies as a “housing situation not meant for human habitation,” or that they have been engaged in “irregular housing.”
- √ To qualify for “irregular housing” a family must provide verification that it has recently moved from place to place in an irregular pattern, staying in no one place for more than a week or two. *See* Housing Stabilization Notice 2012-6B, pages 4-6.
- √ If you were denied for not meeting one of the four categories for EA eligibility, you may be eligible once your family has engaged in irregular housing (chronic couch surfing) or has stayed in a place not meant for human habitation. You may reapply for EA at any time, including after you have been forced into one of these situations.
- √ Families who are doubled-up with a host family should be cautious about encouraging the host’s landlord to issue a Notice to Quit because it will not necessarily lead to EA eligibility (see Note

immediately above) and may make an actual eviction of the host family more likely.

- √ Cars, emergency rooms, parks, police stations, church basements, office conference rooms, streets and sidewalks, and hallways of buildings qualify as places “not meant for human habitation.” In order for a family to be eligible based on staying in such places, the children in the family must have slept in these places with the adults.
- √ **Waivers.** The EA regulations contain a provision that allows the Undersecretary of DHCD to approve a waiver of the rules based on “good cause.” 760 CMR 67.10. Families at risk of having to stay in a place not meant for human habitation can ask for a waiver seeking earlier placement by emailing DHCD’s Undersecretary, Chrystal Kornegay, Chrystal.Kornegay@state.ma.us, Jane Banks, the Assistant Undersecretary, jane.banks@state.ma.us, and Ita Mullarkey, the Associate Director of Housing Stabilization Ita.Mullarkey@state.ma.us, with a copy to DHCD’s EA Legal Counsel, Adrian Walleigh: Adrian.Walleigh@state.ma.us.
- √ Many families are reporting 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.” This appears to be a tactic to get families not to pursue their EA applications. DCF cannot lawfully take your children away from you just because you are homeless. 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 them to find out if you can stay with them. DHCD may find you ineligible 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 a family with whom you have been staying. If you agree to the visit but the other family refuses to talk to DCF, you should not be denied. See DCF and DHCD Health and Safety Initiative Administrative Plan (2012), <http://www.mass.gov/hed/docs/dhcd/hs/healthandsafetyassessmentinitiativeadministrativeplan.pdf>

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

Even if you are a homeless family that is covered by one of the four categories for affirmative eligibility (see **Question 8**) and you meet the EA income and asset rules, DHCD can still deny your application if:

- your family was in EA shelter (or was approved for and referred to an EA shelter placement that you did not go to) within the past 12 months (this is known as the “12 month rule”). But 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 in fact was not,
 - 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 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 made itself homeless to become eligible for EA or to get a housing subsidy,
- you are homeless now because you abandoned public or subsidized housing in the past year without good cause (good cause includes leaving housing for a job or other housing or fleeing the housing because of a direct threat to a member of your household),

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- you are homeless now because you were evicted from (or entered into an agreement for judgment to leave) public or subsidized housing for not paying rent or for fraudulent behavior in the past three years, unless the person who caused the eviction is not part of the household seeking EA,
- you are homeless now because 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,
- you are homeless now because you did not cooperate with EA housing search or other housing assistance activities. If you get HomeBASE and are 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 ended [see FY18 Budget line item (7004-0108)].,
- you (or an adult with whom you are seeking shelter) quit a job, reduced work hours, or refused to accept increased work hours within 90 days before your application, unless you had “good cause” which includes that you had to attend to a family crisis, emergency or other compelling circumstance (which homelessness often is) 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 ineligible for EA based on the fact you lost housing for a disqualifying reason if, since losing that housing, you had

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“intervening housing” that you lost for a reason that does not make you ineligible. See DHCD Notice 2012 --05, <http://www.mass.gov/hed/docs/dhcd/hs/hsn/hsn201205.pdf>. In other words, you may be eligible for shelter if your *current* homelessness was not caused by a disqualifying reason. In general, DHCD requires that you paid some rent for two months in another housing situation in which your presence did not violate the lease in order to prove you had “intervening housing.”

- √ DHCD should not deny you EA benefits based on the 12-month rule if you left shelter for housing that in fact was not safe and affordable.
- √ 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 due to disability-related conduct). See **Question 18** 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. Consult an advocate if you cannot get DHCD’s approval or if you are later denied shelter because you left for temporary housing.

11

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

EA is available to immigrants with legal status, including refugees, lawful permanent residents and persons residing in the U.S. under color of law.

If any member of your household has one of these statuses or is a citizen, your entire household meets this rule. 760 CMR 67.02(7).

In July 2012, DHCD began applying new standards for 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 an intention to reside should be good enough to prove Massachusetts residency, although DHCD may be unlawfully limiting what kinds of verifications will count.

The preferred forms of verification for adults are a Massachusetts ID or driver's license or a current utility bill, but if you cannot get these a good alternative is proof of voter registration in Massachusetts or proof that any of the children in the family are registered for school in Massachusetts. A letter from a child's primary care doctor listing a Massachusetts address is also acceptable.

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 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 office to apply with DHCD for EA, you should bring as many documents as you have that you think will help show you are eligible for EA. But if you need shelter right away, DHCD is not allowed to deny you shelter just because you do not have all the proof (verification) at the time you apply.

Part 1 ■ EA Eligibility

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 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 getting verifications, your DHCD worker or the 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.