

**HOUSE . . . . . No. 139**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act removing barriers to emergency shelter..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           Section 1. Notwithstanding any other general or special law or rule or regulation, families  
2 with a child under age 21 or including a woman who is pregnant shall be eligible for Emergency  
3 Assistance shelter if they satisfy financial eligibility requirements and do not have alternative  
4 feasible housing. Notwithstanding the foregoing, the department of transitional assistance is  
5 authorized to deny Emergency Assistance shelter to an otherwise eligible family but only if the  
6 family is determined, based on clear and convincing evidence, to have engaged, while in shelter,  
7 in criminal conduct that threatened the health or safety of shelter residents or staff or to have  
8 failed, on three or more occasions to comply with reasonable and uniform rules of the  
9 department governing the shelter system, and based thereon was terminated from shelter, within  
10 the past 12 months. Notwithstanding the first sentence of this section, the department of  
11 transitional assistance is also authorized to terminate Emergency Assistance shelter to an  
12 otherwise eligible family but only if the department determines, based on clear and convincing  
13 evidence, that (1) a member of the family, while in shelter, engaged in criminal conduct that  
14 threatened the health or safety of shelter residents or staff; (2) the family failed, without good

15 cause, on three or more occasions to comply with reasonable and uniform rules of the department  
16 governing the shelter system; (3) the family, without good cause, refused a shelter placement  
17 within 20 miles of its home community or refused a transfer to a placement within 20 miles of its  
18 home community; or (4) the family, without good cause and with an intention not to return, left  
19 shelter without advance notice to the shelter or to the department.

20 Section 2. Notwithstanding any other general or special law or rule regulation, the  
21 department of transitional assistance shall immediately provide temporary Emergency Assistance  
22 shelter for up to 30 days to families who appear to be eligible for Emergency Assistance shelter  
23 based on statements provided by the family and any other information in the possession of the  
24 department but who need additional time to obtain any third-party verifications reasonably  
25 required by the department. In no event, shall the department impose unreasonable requirements  
26 for third-party verification and shall accept verifications from the family whenever reasonable.

27 Section 3. Notwithstanding any other general or special law or rule or regulation, the  
28 department of transitional assistance shall, within 60 days of the effective date of this act, revise  
29 its Emergency Assistance regulations to expand its existing good cause rules to establish that a  
30 family has good cause for alleged instances of noncompliance with any rules, regulations or  
31 requirements applicable to Emergency Assistance shelter in cases in which the family made good  
32 faith efforts to comply, the rule or requirement is unreasonable generally or as applied to the  
33 particular family or in the particular case, the family refused a placement or transfer or left  
34 shelter with or without advance notice for good reasons, and other cases in which a reasonable  
35 person would conclude that good cause existed.