

# HOUSE . . . . . No. 2118

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## The Commonwealth of Massachusetts

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PRESENTED BY:

*Carlos Henriquez*

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to eliminating homelessness..

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Carlos Henriquez</i>	<i>5th Suffolk</i>	<i>1/20/2011</i>
<i>Nick Collins</i>	<i>4th Suffolk</i>	<i>2/4/2011</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>2/4/2011</i>
<i>Linda Dorcena Forry</i>	<i>12th Suffolk</i>	<i>2/4/2011</i>
<i>Aaron Michlewitz</i>	<i>3rd Suffolk</i>	<i>2/4/2011</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/3/2011</i>
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>	<i>2/4/2011</i>

# HOUSE . . . . . No. 2118

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By Mr. Henriquez of Boston, a petition (accompanied by bill, House, No. 2118) of Carlos Henriquez and others for legislation to establish procedures and guidelines for the prevention of homelessness. Housing.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven  
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An Act relative to eliminating homelessness..

*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. Chapter 18 of the General Laws, as appearing in the 2010 Official Edition,  
2 is hereby amended by inserting after section 2A the following section:-

3           Section 2B. (a) The department shall offer and provide a housing stability screening to  
4 applicants and recipients of services and benefits provided by the department, including but not  
5 limited to those applicants and recipients of food stamps, transitional aid to families with  
6 dependent children, and emergency aid to the elderly, disabled and children, to determine  
7 whether the applicants and recipients are in a stable housing situation or are at-risk of  
8 homelessness within the next 12 months. Said screenings shall be offered at the time of  
9 application for assistance, at the time of a recertification or eligibility review, and before  
10 termination of assistance by the department. The screenings shall also be available on a walk-in  
11 basis at the offices of the department and the availability of said screenings shall be publicized in  
12 each local department office.

(b) With regard to applicants or recipients of services and benefits from the department of transitional assistance whose incomes are at or below 130 percent of the federal poverty limit and who are at-risk of homelessness within the next 12 months, the department, subject to appropriation, shall provide to both eligible families and individuals the types of services and benefits designed to prevent homelessness and create housing stability, and shall coordinate with and make referrals to other available services, benefits, and housing resources to prevent homelessness and create housing stability. With regard to applicants or recipients of services and benefits from the department of transitional assistance whose incomes are above 130 per cent of the federal poverty limit and who are at-risk of homelessness within the next 12 months, the department shall coordinate with and make referrals to other available services, benefits, and housing resources to prevent homelessness and create housing stability.

(c) The department shall annually, provide to the house and senate committees on ways and means and the joint committee on children, families and persons with disabilities a written report describing the number of applicants and recipients who have participated in the screenings authorized by sub section (a) , the number of individuals and families serviced and the types of services and referrals provided pursuant to section (b) , and the department's assessment of the level of need for and effectiveness of the services provided pursuant to this section.

SECTION 2. Subsection (b) of section 110 of chapter 5 of the acts of 1995, as amended, is further amended by striking out said subsection and inserting in place thereof the following new subsection:

(b) In order to encourage asset development, promote employment, and prevent homelessness, the commissioner is authorized to establish by regulation a maximum allowable

resource limit for otherwise eligible families and to establish by regulation rules governing the extent to which the value of vehicles are or are not countable toward said limit. Notwithstanding the foregoing, the maximum allowable resource limit shall not be less than \$5,000, adjusted from time to time, as the commissioner may determine, and the rules governing vehicles shall provide that at least one motor vehicle used for transportation per licensed driver in a household shall not count as a resource.

SECTION 3. Notwithstanding any general or special law to the contrary, in determining eligibility for the program of emergency aid to elders, disabled and children under chapter 117A of the General Laws, the following shall not be counted by the Department of Transitional Assistance as either income or a resource: (1) at least one motor vehicle used for transportation per licensed driver in a household shall not count as a resource; (2) payments under state or private work study programs and state grants for education or training; and (3) any asset not required by federal law to be counted under the federal supplemental nutrition assistance program.

SECTION 4. Notwithstanding any general or special law to the contrary, with respect to the programs of emergency aid to elders, disabled and children under chapter 117A of the General Laws and transitional aid to families with dependent children under chapter 118 of the General Laws, the department of transitional assistance shall treat as non-countable with regard to any maximum countable resource limits and the lump sum income rule up to \$10,000 that has been expended or is placed in an Individual Asset Account for later expenditure for costs related to education or training, transportation to work or to other activities of daily living, obtaining or retaining or maintaining housing, debt reduction, starting a business, health care, basic household necessities, or other responsible expenses as identified by the department.

SECTION 5. Notwithstanding any general or special law to the contrary, the department of transitional assistance shall each month deposit into escrow accounts for the benefit of homeless individuals and families receiving assistance under the program of emergency aid to elders, disabled and children, pursuant to chapter 117A of the General Laws, or receiving assistance under the program of transitional aid to families with dependent children, pursuant to chapter 118 of the General Laws, an amount equal to the amount by which the department reduces the grants of said individuals and families due to their lack of shelter expenses. Such escrowed funds shall be available to such individuals and families to obtain and retain permanent housing and to remove barriers to obtaining and retaining housing and shall not be countable toward otherwise applicable asset limits.

SECTION 6. Notwithstanding any general or special law to the contrary, on or before October 1, 2011, the department of transitional assistance shall establish a generally applicable work expense deduction within the program of transitional aid to families with dependent children at a level intended to cover work expenses incurred by working recipients, including but not limited to payroll deductions, transportation, and clothing expenses. Said work expense deduction shall initially be no less than \$250 and shall thereafter be adjusted annually to reflect inflation.

SECTION 7. Notwithstanding any general or special law to the contrary, and to the maximum extent possible in light of the need for the commonwealth to meet work participation rates associated with the federal transitional assistance to needy families block grant, the department of transitional assistance shall a) encourage and allow recipients of transitional aid to families with dependent children benefits under chapter 118 of the General Laws to satisfy their work activity requirements, in whole or in part and throughout their periods of time limited

benefits and any extension periods, by participating in vocational educational training programs and b) grant extensions of the time limit to enable recipients to complete such programs if they are making satisfactory progress toward an achievable vocational goal.

SECTION 8. The Executive Office of Health and Human Services, Executive Office of Housing and Economic Development, the Executive Office of Public Safety and Security, the Executive Office of Elder Affairs, the Executive Office of Veterans Services, the Department of Housing and Community Development, the Department of Transitional Assistance, the Department of Developmental Services, the Department of Mental Health, the Department of Children and Families, the Department of Public Health, the Department of Correction, the Massachusetts Rehabilitation Commission, Massachusetts Commission for the Blind, Massachusetts Commission for the Deaf and Hard of Hearing, the Massachusetts Housing Finance Agency, the Massachusetts Housing Partnership and the Community Economic Development Assistance Corporation shall develop and execute a memorandum of understanding which shall include an action plan to coordinate the procurement and availability of community based supportive services, capital subsidies, and operating subsidies for new and existing housing available to low and extremely low income residents to be known as the community housing and services memorandum of understanding. The memorandum of understanding shall identify and resolve barriers and reduce fragmentation for the provision of community based supportive services and affordable housing. Further, said memorandum of understanding shall identify and resolve barriers to comprehensive institutional discharge planning in order to prevent discharges of clients into homelessness or emergency shelter. The community housing and services memorandum of understanding shall be filed with the Governor, Lieutenant Governor, the Joint Committee on Housing, the Joint Committee on Elder

Affairs, the Joint Committee on Children, Families and Persons with Disabilities, the Senate Committee on Ways and Means and the House Committee on Ways and Means no later than October 1, 2011. Said memorandum shall facilitate the creation of a demonstration program that creates no fewer than 1,000 units of permanent supportive housing that includes coordinated operating, capital subsidies and voluntary community based supportive services within three years of enactment of this act, provided that the aforementioned agencies shall assess the need for permanent supportive housing to serve the Commonwealth's homeless or at-risk of homelessness, people with disabilities, and elders and shall establish a long range target to produce new supportive housing opportunities to meet the Commonwealth's need. Community based supportive services shall include, but need not be limited to: comprehensive institutional discharge planning, resident service coordinators, housing support teams and other models to link low and extremely low income tenants with any services necessary to maintain their tenancy, or direct community-based social services or other services necessary to maintain a successful tenancy, provided that a tenant's receipt of services shall not be an eligibility requirement or a requirement of maintaining a tenancy under the plan. The plan shall establish benchmarks to assess financial savings to the Commonwealth resulting from the avoidance of institutionalization, shelter, or nursing care due to the availability of community based housing support services. In consultation with all parties to the community housing and services memorandum of understanding, the department of housing and community development shall establish model comprehensive institutional discharge housing plan and other resources as may be required under the memorandum of understanding or subsequent agreement.

SECTION 9. The Executive Office of Health and Human Services, Executive Office of Housing and Economic Development, the Executive Office of Public Safety and Security, the

127 Executive Office of Elder Affairs, the Executive Office of Veterans Services, the Department of  
128 Housing and Community Development, the Department of Transitional Assistance, the  
129 Department of Developmental Services, the Department of Mental Health, the Department of  
130 Children and Families, the Department of Public Health, the Department of Correction, the  
131 Massachusetts Rehabilitation Commission, Massachusetts Commission for the Blind,  
132 Massachusetts Commission for the Deaf and Hard of Hearing, the Massachusetts Housing  
133 Finance Agency, the Massachusetts Housing Partnership and the Community Economic  
134 Development Assistance Corporation shall develop and execute a memorandum of  
135 understanding which shall include an action plan to identify and resolve barriers to  
136 comprehensive institutional discharge planning in order to prevent discharges of clients into  
137 homelessness or emergency shelter. The memorandum of understanding and action plan shall  
138 include a study of existing discharge planning processes in state institutions and state-funded  
139 institutions, in addition to the provision for discharge planning in state accreditation processes  
140 and requirements, with particular attention given to planning related to housing and  
141 homelessness prevention. The memorandum of understanding and action plan shall identify  
142 opportunities for improvement in discharge planning, and execute such improvements through  
143 the action plan, or through policy or regulatory change, as appropriate. Any individual agency  
144 subject to this section, or several in concert, may file legislation, where necessary to further the  
145 goals of this section. Institutions subject to the memorandum, or funded or regulated by entities  
146 subject to this memorandum, shall be required to disclose their discharge planning policy  
147 through their accreditation or other review process, with a copy filed with a representative party  
148 to this memorandum. The department of housing and community development shall work with  
149 recipients of emergency shelter funding to obtain data regarding the number of shelter guests



who report that they have been released from or resided in a state or state-funded institution or system of care in the previous year, including an analysis of the numbers for each type of institution. The memorandum shall also identify barriers to increased Medicaid and other reimbursement for parties that provide discharge planning. The department of housing and community development shall establish model comprehensive institutional discharge housing plan and other resources as may be required under the memorandum of understanding or subsequent agreements, and make such plan available to institutions subject to the memorandum, or funded or regulated by entities subject to this memorandum. The comprehensive discharge planning memorandum of understanding and action plan shall be filed with the Governor, Lieutenant Governor, the Joint Committee on Housing, the Joint Committee on Elder Affairs, the Joint Committee on Children, Families and Persons with Disabilities, the Senate Committee on Ways and Means and the House Committee on Ways and Means no later than October 1, 2011.

SECTION 10. The executive office of housing and economic development, in conjunction with the department of housing and community development, shall conduct a study on the use and effectiveness of existing state-assisted and housing and community development programs and housing resources to house those who are homeless or at-risk of homelessness. That study shall include, but not be limited to:

(a) a comprehensive review of all state-assisted and housing and community development programs and housing resources, including all federal or state funded public housing, federally or state-funded rental assistance, or for assisted units in affordable housing developments in the Commonwealth, which shall include affordable rental housing units operated in the Commonwealth in developments defined as publicly-assisted housing in section 1 of chapter 40T, rental housing units funded by the department, the Massachusetts housing finance agency

and/or the United States department of housing and urban development, to determine the extent to which they have been used as a resource for housing people who are homeless and at-risk of homelessness;

(b) a comprehensive review all applicable laws and regulations, plans and policies governing the aforementioned housing programs and identify barriers to housing a greater number of those who are homeless or at-risk of homelessness through these housing programs, including, but not limited to existing tenant-selection policies established under section 32 of chapter 121B or otherwise, procedural barriers, including but not limited to the availability of electronic funds transfer arrangements, domestic violence status, witness status, and the ability of applicants to designate a third party to receive notices regarding their application;

(c) a comprehensive review of existing priorities and preferences for those who are homeless or at-risk of homelessness in current state law or regulation, emergency case status through emergency case plan, the use of the department's model emergency case plan, or any other policy;

(d) an evaluation of the effectiveness of existing agreements and arrangements that connect housing programs with persons who are homeless or at-risk of homelessness;

(e) to the extent possible, an assessment of the policies and practices of local housing authorities and other entities administering public housing and voucher assistance relative to existing homeless preferences or other homeless placement policies and emergency case plans, and the number of individuals and families that have been housed through such preferences;

(f) an identification of opportunities for increasing the availability public housing and voucher assistance for those who are homeless or at-risk of homelessness through the elimination

of barriers to housing programs through state and local partnerships, and cross-agency and public-private collaboration;

(g) an identification of opportunities to increase the use of all housing listed in subsection (a) to contribute a certain portion as a set-aside as housing for those that are homeless and those at-risk of homelessness;

(h) an identification of supportive services resources necessary to assist persons transitioning from homelessness or housing instability, particularly including services for populations where the provision of appropriate supportive services may improve continuity of care, and/or mitigate the cost of care associated with certain homeless populations, including, but not limited to, chronically homeless adults, chronically homeless families with children with disabilities or other special needs, and persons with mental illness; and

(i) an action plan for identifying opportunities for partnerships and cooperative agreements and a course of action for facilitating the delivery of these services to those transitioning from homelessness or housing instability to the aforementioned housing.

The department shall file a report detailing its review and recommendations, along with drafts of any policy or regulatory changes made, or legislation filed, as a result of this study, as well as legislative proposals to implement the recommendations, with the Governor, Lieutenant Governor, the Joint Committee on Housing, and the clerk of the senate and the clerk of the house of representatives no later than October 1, 2011.

The department shall amend rules and regulations wherever necessary or appropriate to carry recommendations of this study into effect.

SECTION 11. Notwithstanding any general or special law to the contrary, the department of housing and community development is hereby directed to develop and fund a pilot program for the purpose of increasing the availability public housing and voucher assistance for individuals and households who are homeless or at-risk of homelessness. The pilot shall be designed to create a unit-for-unit matching incentive program to provide participating housing authorities with a credit of matching vouchers equal to the number of new vouchers or units that the housing authority sets aside for use by individuals or families who are homeless or at-risk of homelessness, provided that the state match for any individual entity shall be capped as a percentage of the number of homeless households that reside in the municipality, as determined by the department. The pilot shall be implemented through partnerships between the department and public housing authorities and/or other local governments or entities that administer housing vouchers and shall facilitate the creation of agreements or memoranda of understanding between supportive service providers, participating housing authorities, and other participating entities to ensure the delivery of adequate supportive services to residents of housing set-aside under this pilot program, or offered under a preference created as a result this pilot program, for individuals who were formerly homeless or at-risk of homelessness. Said pilot program shall be undertaken in collaboration and with the assistance of all relevant state agencies, and involve private organizations that provide services, shelter or housing to people who are homeless or at-risk of homelessness.