

**HOUSE . . . . . No. 3838**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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An Act providing housing and support services for unaccompanied homeless youth.

*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. (1) Notwithstanding any general or special law to the contrary, the  
2 Executive Office of Health and Human Services shall enter into performance-based contracts  
3 with organizations and agencies to provide housing and support services to address the needs of  
4 unaccompanied homeless youth. Programs funded under this Act shall provide a continuum of  
5 housing options for this population provided on a voluntary basis in conjunction with  
6 wraparound support services, which shall include but not be limited to: emergency shelter,  
7 “kinship” home placements, short term housing and “Transition to Independent Living”  
8 programs. The funded programs shall provide unaccompanied homeless youth with a stable out-  
9 of-home placement and help to reunite the youth with the youth’s parent or legal guardian if  
10 family reunification is in the youth's best interest, and help to create educational and residential  
11 stability. Additional support services funded through these contracts may include but are not  
12 limited to: individual, family and group counseling; access to medical, dental and mental health  
13 care; education and employment services; case management, advocacy and referral services;  
14 independent living skills training; and provision of basic needs.

15           (2) As used in this Act, "unaccompanied homeless youth" means a person 22 years of age  
16 or younger who is unaccompanied by a parent or guardian and is without shelter where  
17 appropriate care and supervision are available, whose parent or legal guardian is unable or  
18 unwilling to provide shelter and care or who lacks a fixed, regular and adequate nighttime  
19 residence. "Fixed, regular and adequate nighttime residence" means a dwelling at which a person  
20 resides on a regular basis that adequately provides safe shelter. "Fixed, regular and adequate  
21 nighttime residence" does not include a publicly or privately operated institutional shelter  
22 designed to provide temporary living accommodations; transitional housing; a temporary  
23 placement with a peer, friend, or family member who has not offered a permanent residence,  
24 residential lease or temporary lodging for more than 30 days; or a public or private place not  
25 designed for, nor ordinarily used as, a regular sleeping accommodation for human beings.  
26 "Homeless youth" does not include a person incarcerated or otherwise detained under federal or  
27 state law.

28           (3) The Executive Office of Health and Human Services shall establish requirements and  
29 shall contract for programs that ensure that services, as specified by this Act, are provided to  
30 homeless youth in all urban, suburban and rural areas of the state in an appropriate and  
31 responsible manner.

32           (4) The Executive Office of Health and Human Services shall monitor organizations  
33 receiving funds under this Act to ensure that appropriate and high-quality services are being  
34 delivered to homeless youth, shall collect common data and outcome measures from these  
35 organizations, and shall file reports with the Clerks of the House of Representatives and the  
36 Senate, the Joint Committee on Children, Families, and Persons with Disabilities, the House and  
37 Senate Committees on Ways and Means and the Office of the Child Advocate by December 31

38 of each year regarding the data collected from the organizations, the incidence of youth  
39 homelessness in Massachusetts, and the status of and any change in housing, residential stability,  
40 educational stability and outcomes and well-being of homeless youth in the Commonwealth.

41 SECTION 2: Notwithstanding any general or special law to the contrary, there shall be  
42 a special commission for the purpose of studying and making  
43 recommendations concerning services for unaccompanied homeless youth under  
44 twenty-two years of age with the goal of ensuring a comprehensive and effective  
45 response to the unique needs of this population. The focus of the commission's work  
46 shall include, but not be limited to, an analysis of the barriers to serving unaccompanied  
47 youth under eighteen years of age; an assessment of the impact of mandated reporting  
48 requirements on unaccompanied youths' access to services and the state's ability to  
49 identify and connect with unaccompanied youth; and recommendations to reduce  
50 identified barriers to serving this population, including but not limited to, extending the  
51 time for certain categories of mandated reporters to file reports and/or establishing  
52 special licensure provisions to allow service providers to serve homeless youth under  
53 eighteen years of age. The commission, in formulating its recommendations, shall take  
54 account of best practices and policies in other states and jurisdictions.

55 The commission shall include, The Secretary of the Executive Office of Health and

56 Human Services, the Commissioners of the Departments of Children and Families,  
57 Elementary and Secondary Education, Public Health, Mental Health, MAHealth,  
58 Transitional Assistance and the Undersecretary of Housing and Community  
59 Development, two members of the Senate appointed by the Senate President, two  
60 members of the House of Representatives appointed by the Speaker of the House,  
61 three youth who have experienced homelessness, and a representative from each of  
62 the following organizations: Massachusetts Coalition for the Homeless, Task Force on  
63 Youth aging Out of the Department of Children and Families Care, Massachusetts  
64 Appleseed Center for Law and Education, Mass Equality, Massachusetts Housing and  
65 Shelter Alliance and three persons to be named by the Governor.”

66 The commission shall submit a report to the Governor, the Speaker of the House of  
67 Representative and the President of the Senate, the Joint Committee on Children, Families and  
68 Persons with Disabilities and the Office of the Child Advocate no later than 9 months after the  
69 passage of this Act setting forth the commission’s conclusions on how to improve access to  
70 services for unaccompanied homeless youth under 18 years of age, together with any  
71 recommendations for regulatory or legislative action with a timeline for implementation, cost  
72 estimates and finance mechanisms. Thereafter, the commission submit a report annually by  
73 December 31 of each year to the Governor, the Speaker of the House of Representative and the  
74 President of the Senate, the Joint Committee on Children, Families and Persons with Disabilities,  
75 the Clerks of the House of Representatives and the Senate and the Office of the Child Advocate

76 detailing the extent of homelessness among unaccompanied youth within the Commonwealth  
77 and the progress made toward implementing the commission's recommendations along with  
78 other efforts to address the needs of this population.