HOUSE DOCKET, NO. 3095 FILED ON: 2/18/2021

HOUSE . . . . . No. 202

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker and Liz Miranda

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 improving emergency housing assistance for children and families experiencing homelessness.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Marjorie C. Decker	*25th Middlesex*	*2/18/2021*
Liz Miranda	*5th Suffolk*	*2/18/2021*
Lindsay N. Sabadosa	*1st Hampshire*	*2/18/2021*
Peter Capano	*11th Essex*	*2/23/2021*
Christina A. Minicucci	*14th Essex*	*2/24/2021*
Kevin G. Honan	*17th Suffolk*	*2/25/2021*
William C. Galvin	*6th Norfolk*	*2/26/2021*
David M. Rogers	*24th Middlesex*	*2/26/2021*
Natalie M. Higgins	*4th Worcester*	*2/26/2021*
Carlos González	*10th Hampden*	*2/26/2021*
Mindy Domb	*3rd Hampshire*	*2/26/2021*
Bud L. Williams	*11th Hampden*	*2/26/2021*
Erika Uyterhoeven	*27th Middlesex*	*2/26/2021*
Christine P. Barber	*34th Middlesex*	*3/2/2021*
Joanne M. Comerford	*Hampshire, Franklin and Worcester*	*3/3/2021*
Marcos A. Devers	*16th Essex*	*3/8/2021*
Steven C. Owens	*29th Middlesex*	*3/8/2021*

Tram T. Nguyen	*18th Essex*	*3/10/2021*
Jon Santiago	*9th Suffolk*	*3/16/2021*
Steven Ultrino	*33rd Middlesex*	*3/16/2021*
Linda Dean Campbell	*15th Essex*	*3/24/2021*
Paul J. Donato	*35th Middlesex*	*4/8/2021*
Patricia A. Duffy	*5th Hampden*	*4/11/2021*
Carol A. Doherty	*3rd Bristol*	*4/12/2021*
Susannah M. Whipps	*2nd Franklin*	*4/20/2021*
James B. Eldridge	*Middlesex and Worcester*	*4/25/2021*
Mike Connolly	*26th Middlesex*	*6/11/2021*
Vanna Howard	*17th Middlesex*	*7/21/2021*
Jack Patrick Lewis	*7th Middlesex*	*7/22/2021*
Andres X. Vargas	*3rd Essex*	*8/23/2021*
Adrian C. Madaro	*1st Suffolk*	*8/26/2021*
Danillo A. Sena	*37th Middlesex*	*9/13/2021*
Patrick M. O'Connor	*Plymouth and Norfolk*	*9/22/2021*

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HOUSE . . . . . No. 202

By Representatives Decker of Cambridge and Miranda of Boston, a petition (accompanied by bill, House, No. 202) of Marjorie C. Decker, Liz Miranda and others relative to emergency housing assistance for children and families experiencing homelessness. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act improving emergency housing assistance for children and families experiencing homelessness.

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

SECTION 1. Section 30 of chapter 23B of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the first sentence the following sentence:-

The department shall provide emergency housing assistance to eligible families, including but not limited to families who on the date of application for emergency assistance have an immediate need, and who but for not having spent 1 night in a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including but not limited to a car, park, abandoned building, medical facility, bus or train station, airport or camping ground, would be eligible for emergency assistance.

SECTION 2. Said Section 30 of chapter 23B, as so appearing, is hereby further amended by inserting after subsection (F) the following subsection:-

(G) (a) For purposes of this section, “immediate need” shall mean a family has no immediate and feasible housing alternative; provided further that a family’s self-declaration of immediate need shall be sufficient to establish eligibility for immediate housing placement.

(b) On the same business day in which any family requests emergency housing assistance, the department shall inquire whether the family is in immediate need of emergency housing assistance. If the family is determined to be in immediate need of emergency housing assistance, the department shall offer the family shelter placement to begin that same business day, unless the department possesses specific information confirming that the family is not eligible for emergency housing assistance, in which case the department shall on that same day generate a written notice of denial including the reasons for the denial, the specific regulations supporting the denial, and an explanation of the right to appeal.

SECTION 3. Said Section 30 of chapter 23B, as so appearing, is hereby further amended by inserting the following subsection:-

(H) The department shall issue no denial based in whole or in part on the need for further verification of the family’s eligibility for emergency housing assistance.

The department and the department of transitional assistance shall, within 30 days of enactment of this subsection, execute any memorandum of understanding, interdepartmental service agreement, or other document that may be necessary in order for department staff to access the BEACON database or any successor database maintained by the department of transitional assistance. Within 30 days of such execution, the department and the department of transitional assistance shall ensure that all department staff involved in determining families’ eligibility for emergency housing assistance shall have access to any and all data maintained by

the department of transitional assistance that may be necessary to ascertain a family's eligibility for emergency housing assistance. The department shall review all available data held by the department of transitional assistance and shall only require that the family present such documentary verification for eligibility factors that cannot be ascertained through review of data from the department of transitional assistance.

When the department offers a family an immediate shelter placement pursuant to subsection (G) above and does not have in its possession sufficient information to make a full determination of eligibility, including through review of data held by the department of transitional assistance, the department shall notify the family of the specific verification needed; the time period for the verification, not to be less than thirty calendar days from the date on which the family receives actual notice of the verification needed;and the consequences of late or missing verifications. Such notice shall be in writing and shall be delivered to the family in hand by the department or its contracted shelter provider.

SECTION 4. Said Section 30 of chapter 23B, as so appearing, is hereby further amended by inserting the following subsection:- (I) The department shall promulgate any rules or regulations which may be necessary to carry out subsections (G) and (H) of this section.

SECTION 5. Said Section 30 of chapter 23B, as so appearing, is hereby further amended by inserting the following subsection:-

(J) For the duration of any COVID-19 state of emergency and subsequent states of emergency and for at least 90 days thereafter, the department shall use its authority to allow applicants to self-certify documentation verifying their eligibility for emergency housing assistance; shall cease from terminating all emergency housing assistance program benefits; and

shall waive the existing 12-month ban on re-entering emergency housing assistance for any family who meets other eligibility requirements.

SECTION 6. Said Section 30 of chapter 23B, as so appearing, is hereby further amended by inserting the following subsection:-

(K) (a) For purposes of subsections (K) through (M), “applicant” shall mean any person who requests services in programs referenced to in subsection (K)(b) through any means, including but not limited to telephone, electronic means, or in person from the initial point of contact; “participant” shall mean any person engaged in programs referenced to in subsection (K)(b) up until the point at which any such person shall have exhausted appeal rights regarding any termination from the program; “application” shall mean an initiated request for services.

(b) There shall be established an ombudsperson unit within the executive office of housing and economic development to liaise between families and two programs located within the department of housing and community development. The ombudsperson unit shall be directed towards the emergency assistance shelter program and related short-term housing transition programs as provided in Chapter 4 of the Acts of 2009 and Chapter 23, and any successor programs.

Applicants to and participants of both the emergency assistance and the Massachusetts short-term housing transition program shall be able to access the ombudsperson. The ombudsperson shall act as an independent mediator and advocate for all applicants and participants in either program.

SECTION 7. Said Section 30 of chapter 23B, as so appearing, is hereby further amended by inserting the following subsection:-

(L) The ombudsperson shall mediate between any applicant or participant and the department of housing and community development when conflicts or misunderstandings arise. The ombudsperson shall advocate for any applicant or participant when such applicant or participant requests such services in order to review a denial or termination of services. For applicants, the ombudsperson shall advocate in instances including but not limited to extraneous document requests, inability to contact the department by telephone, delays in placement, and denials.

SECTION 8. Said Section 30 of chapter 23B, as so appearing, is hereby further amended by inserting the following subsection:-

(M) The ombudsperson unit shall have access to all initiated, partially completed, and completed applications in order to assess applicants' and participants' requests; provided further the ombudsperson shall have access to all submitted documentation as well as case information in the All Service Integrated System Tracker (ASIST) database and any successor database as well as shelter provider notes, department of children and families and domestic violence assessments, and sub-contracted provider notes.

SECTION 9. Said Section 30 of chapter 23B, as so appearing, is hereby further amended by inserting the following subsection:-

(N) The ombudsperson unit shall annually develop a report describing: (1) the number of requests received in the preceding 12-month period; (2) the number of such requests that pertained to the emergency assistance program; (3) the number of such requests that pertained to the Massachusetts short-term housing transition program; (4) the number of such requests that pertained to issues arising during the application process; (5) the number of such requests that

pertained to participants' experiences at any time after initial entry into the program in question, broken down by program; or issues that result as part of programmatic participation; (6) the nature of all such requests; (7) the resolution of all such requests; (8) the race and ethnicity of each requestor; and (9) the length of time to resolve requests for each program and identifies whether the request involved application issues or program participation issues. This report shall be filed with the Clerks of the House of Representatives and the Senate, and shall be filed with the Joint Committee on Housing and the House and Senate Committees on Ways and Means, on or before the first of February of each year.

SECTION 10. Not more than twelve months after establishing the ombudsperson unit, and annually thereafter, the joint committee on ways and means and the joint committee on housing shall hold an oversight hearing to investigate, analyze and discuss the data collected and the efficacy of the ombudsperson unit in resolving requests.

SECTION 11. This act shall take effect upon its passage.