

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Finn

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 to improve municipal equity within the emergency assistance shelter program.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michael J. Finn</i>	<i>6th Hampden</i>	<i>8/21/2023</i>

HOUSE No.

By Representative Finn of West Springfield, a petition (subject to Joint Rule 12) of Michael J. Finn for legislation to improve municipal equity within the emergency assistance shelter program. Housing.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act to improve municipal equity within the emergency assistance shelter program.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith rent payments for residential homeowners providing emergency shelter, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. Section 30 of chapter 23B of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by adding the following subsection:-

3 (G) The executive office shall ensure that the total number of individuals per
4 municipality who are occupying hotels and motels under this section shall not exceed 1 per cent
5 of the municipality’s population as enumerated by the most recent federal decennial census.

6 The executive office shall ensure that municipalities receive no less than 24 hours’ notice
7 prior to a family being placed in a hotel or motel in the municipality.

8 Quarterly, not more than 45 days at the end of each fiscal quarter, the executive office
9 shall submit a quarterly report to the governor, the clerks of the house of representatives and

10 senate, the house and senate committees on ways and means, and the joint committee on
11 housing. The report shall include, but not be limited to, data on: (i) the total number of children
12 receiving benefits under this section; (ii) the total number of individuals receiving benefits under
13 this section; (iii) the immigration status of individuals receiving benefits under this section; (iv)
14 the total number of hotels and motels housing individuals receiving benefits under this section;
15 (v) the location of the hotels and motels being used; (vi) the average length of stay in the hotels
16 and motels; (vii) the total cost of this program; and (viii) the cost incurred by municipalities for
17 providing education services to children receiving benefits under this section.

18 SECTION 2. (a) During the state of emergency declared by the governor on August 8,
19 2023, the commonwealth, through its executive office of housing and livable communities, shall
20 pay in advance to a residential homeowner of an owner-occupied residential dwelling weekly
21 rent for the emergency sheltering of a person or household pursuant to the emergency
22 declaration. Such payment shall be equal to or greater than 150 per cent of the monthly fair
23 market rent, adjusted by household size and paid in weekly amounts.

24 (b) The payment by the commonwealth for such emergency sheltering is hereby declared
25 to be a public purpose pursuant to Article 47 of the Massachusetts Constitution.

26 (c) Such emergency sheltering shall not be subject to any summary process procedure,
27 certain public health laws, state or local zoning laws, by-laws or ordinances or the laws of
28 landlord tenant.

29 (d) Any residential homeowner sheltering such persons shall qualify for any public
30 programs, loans, grants or other funding sources for upgrades or improvements to the dwelling
31 used to provide emergency shelter pursuant to this act.

32 (e) Any recovery by a person sheltered under this act for civil liability against a
33 residential homeowner providing emergency shelter shall be limited to not more than \$10,000;
34 provided, however, such cap shall not apply to gross negligence or intentional acts by the
35 homeowner.

36 (f) For the purposes of this section such housing shall be governed by rules and
37 regulations adopted by the executive office of housing and livable communities to implement
38 this section and the August 8, 2023 state of emergency declared by the governor. Such rules and
39 regulations shall provide for circumstances under which the residential homeowner and the
40 person receiving shelter may modify or terminate the emergency sheltering agreement.

41 SECTION 3. Section 2 shall be repealed upon the declaration of the governor that the
42 state of emergency declared on August 8, 2023 no longer exists.