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## The Commonwealth of Massachusetts

#### PRESENTED BY:

#### Adam Gomez

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:	
Adam Gomez	Hampden	
Sal N. DiDomenico	Middlesex and Suffolk	2/9/2023
Joanne M. Comerford	Hampshire, Franklin and Worcester	2/16/2023
Rebecca L. Rausch	Norfolk, Worcester and Middlesex	3/2/2023
James B. Eldridge	Middlesex and Worcester	3/6/2023
John F. Keenan	Norfolk and Plymouth	3/13/2023
Susan L. Moran	Plymouth and Barnstable	4/6/2023
Patricia A. Duffy	5th Hampden	5/9/2023
Patricia D. Jehlen	Second Middlesex	6/8/2023

# SENATE DOCKET, NO. 185 FILED ON: 1/11/2023 SENATE No. 86

By Mr. Gomez, a petition (accompanied by bill, Senate, No. 86) of Adam Gomez, Sal N. DiDomenico, Joanne M. Comerford, Rebecca L. Rausch and others for legislation to improve emergency housing assistance for children and families experiencing homelessness. Children, Families and Persons with Disabilities.

### [SIMILAR MATTER FILED IN PREVIOUS SESSION SEE SENATE, NO. 111 OF 2021-2022.]

# The Commonwealth of Massachusetts

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

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:

1	SECTION 1. Section 30 of chapter 23B of the General Laws, as appearing in the 2020
2	Official Edition, is hereby amended by inserting after the first sentence the following sentence:-
3	The department shall provide emergency housing assistance to eligible families,
4	including but not limited to families who on the date of application for emergency assistance
5	have an immediate need, and who but for not having spent 1 night in a public or private place not
6	designed for or ordinarily used as a regular sleeping accommodation for human beings, including
7	but not limited to a car, park, abandoned building, medical facility, bus or train station, airport or
8	camping ground, would be eligible for emergency assistance.

- 9 SECTION 2. Said Section 30 of chapter 23B, as so appearing, is hereby further amended
  10 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.
- 14 (b) On the same business day in which any family requests emergency housing 15 assistance, the department shall inquire whether the family is in immediate need of emergency 16 housing assistance. If the family is determined to be in immediate need of emergency housing 17 assistance, the department shall offer the family shelter placement to begin that same business 18 day, unless the department possesses specific information confirming that the family is not 19 eligible for emergency housing assistance, in which case the department shall on that same day 20 generate a written notice of denial including the reasons for the denial, the specific regulations 21 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.

38 When the department offers a family an immediate shelter placement pursuant to 39 subsection (G) above and does not have in its possession sufficient information to make a full 40 determination of eligibility, including through review of data held by the department of 41 transitional assistance, the department shall notify the family of the specific verification needed; 42 the time period for the verification, not to be less than thirty calendar days from the date on 43 which the family receives actual notice of the verification needed; and the consequences of late or 44 missing verifications. Such notice shall be in writing and shall be delivered to the family in hand 45 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.

49 SECTION 5. Said Section 30 of chapter 23B, as so appearing, is hereby further amended
50 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

53	applicants to self-certify documentation verifying their eligibility for emergency housing
54	assistance; shall cease from terminating all emergency housing assistance program benefits; and
55	shall waive the existing 12-month ban on re-entering emergency housing assistance for any
56	family who meets other eligibility requirements.
57	SECTION 6. Said Section 30 of chapter 23B, as so appearing, is hereby further amended
58	by inserting the following subsection:-
59	(K)(a) For purposes of subsections (K) through (M), "applicant" shall mean any person
60	who requests services in programs referenced to in subsection (K)(b) through any means,
61	including but not limited to telephone, electronic means, or in person from the initial point of
62	contact; "participant" shall mean any person engaged in programs referenced to in subsection
63	(K)(b) up until the point at which any such person shall have exhausted appeal rights regarding
64	any termination from the program; "application" shall mean an initiated request for services.
65	(b) There shall be established an ombudsperson unit within the executive office of
66	housing and economic development to liaise between families and two programs located within
67	the department of housing and community development. The ombudsperson unit shall be
68	directed towards the emergency assistance shelter program and related short-term housing
69	transition programs as provided in Chapter 4 of the Acts of 2009 and Chapter 23, and any
70	successor programs.
71	Applicants to and participants of both the emergency assistance and the Massachusetts
72	short-term housing transition program shall be able to access the ombudsperson. The
73	ombudsperson shall act as an independent mediator and advocate for all applicants and
74	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.

84 SECTION 8. Said Section 30 of chapter 23B, as so appearing, is hereby further amended 85 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.

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

94 (N) The ombudsperson unit shall annually develop a report describing: (1) the number of
95 requests received in the preceding 12-month period; (2) the number of such requests that
96 pertained to the emergency assistance program; (3) the number of such requests that pertained to

97 the Massachusetts short-term housing transition program; (4) the number of such requests that 98 pertained to issues arising during the application process; (5) the number of such requests that 99 pertained to participants' experiences at any time after initial entry into the program in question, 100 broken down by program; or issues that result as part of programmatic participation; (6) the 101 nature of all such requests; (7) the resolution of all such requests; (8) the race and ethnicity of 102 each requestor; and (9) the length of time to resolve requests for each program and identifies 103 whether the request involved application issues or program participation issues. This report shall 104 be filed with the Clerks of the House of Representatives and the Senate, and shall be filed with 105 the Joint Committee on Housing and the House and Senate Committees on Ways and Means, on 106 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.

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