SENATE DOCKET, NO. 2347 FILED ON: 1/17/2025

# SENATE . . . . . No. 136

## The Commonwealth of Massachusetts

PRESENTED BY:

***Adam Gómez***

*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 Gómez* | *Hampden* | |
| *James B. Eldridge* | *Middlesex and Worcester* | *3/24/2025* |
| *Mike Connolly* | *26th Middlesex* | *4/8/2025* |
| *Patricia D. Jehlen* | *Second Middlesex* | *4/8/2025* |
| *Sal N. DiDomenico* | *Middlesex and Suffolk* | *4/15/2025* |
| *John F. Keenan* | *Norfolk and Plymouth* | *4/23/2025* |

SENATE DOCKET, NO. 2347 FILED ON: 1/17/2025

# SENATE . . . . . No. 136

By Mr. Gomez, a petition (accompanied by bill, Senate, No. 136) of Adam Gomez 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. *86* OF 2023-2024.]

## The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court**
**(2025-2026)**

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 amended by section 3 of chapter 88 of the acts of 2024, is hereby amended in the first paragraph by striking out the following words:– "needy families with children and pregnant woman with no other children" and inserting in place thereof the following words:– "families with children and pregnant women with no other children who are experiencing homelessness or are at-risk of homelessness."

SECTION 2. Said Section 30 of said chapter 23B of the General Laws, is hereby further amended by inserting after the first paragraph the following paragraph:-

The executive office 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 3. Said Section 30 of said chapter 23B of the General Laws, is hereby further amended in subsection A by striking out the words “needy recipients” and inserting in place thereof the words “eligible families.”

SECTION 4. Said Section 30 of said chapter 23B of the General Laws, is hereby further amended in subsection B by striking out the first paragraph and inserting in place thereof the following paragraph:–

The executive office shall promulgate rules and regulations consistent with this chapter to establish the requirements and standards for eligibility. Subject to appropriation, such regulations shall provide that a family experiencing homelessness or at-risk of homelessness shall be eligible for assistance under the emergency assistance program if its income is within the income limits for the program of aid to families with dependent children established pursuant to chapter one hundred and eighteen.

SECTION 5. Said Section 30 of said chapter 23B of the General Laws, is hereby further amended in subsection B by inserting after the first paragraph the following paragraph:-

The executive office shall not promulgate or amend any regulations, administrative practices, or policies that would alter eligibility for or the level of benefits under this program, other than that which would benefit the clients without providing at least 90 days’ advance notice to the legislature, program participants, and the general public. The executive office shall submit

a report to the house and senate committees on ways and means, the clerks of the house of representatives and the senate and the joint committee on children, families and persons with disabilities setting forth justification for such changes including, but not limited to, any determination by the secretary of housing and livable communities that available appropriations will be insufficient to meet projected expenses and the projected savings from any proposed changes.

SECTION 6. Said Section 30 of said chapter 23B of the General Laws, is hereby further amended in subsection F by inserting after the words “upon appeal to the secretary” the following sentence:–

Families who are placed in alternative state-funded family shelter sites, including but not limited to temporary respite centers, after being approved for the emergency housing assistance program shall be entitled to the same rights of appeal.

SECTION 7. Said Section 30 of said chapter 23B of the General Laws, is hereby further amended in subparagraph (3) of subsection G by striking out the phrase “not more than 9 consecutive months” and by inserting in place thereof the following phrase:– “not less than 9 consecutive months” and in subparagraph (6) in said subsection by striking out the phrase “not more 150 families” and inserting the phrase “not more than 150 families”

SECTION 8. Said Section 30 of said chapter 23B of the General Laws, is hereby further amended in subsection G by adding the following subdivision at the end thereof:–

(10) State-funded emergency overflow shelter sites, included but not limited to temporary

respite centers, shall not be considered Emergency Assistance shelter placements. Families placed on the waiting list for Emergency Assistance shelter may be offered stays in state-funded emergency overflow shelter sites but shall retain their spot on the waiting list for placement in Emergency Assistance shelter, and such stays shall not be counted against time spent in Emergency Assistance shelter for the purposes of any durational limit.

SECTION 9. Said Section 30 of said chapter 23B, so appearing, is hereby further amended by inserting at the end of subsection (G) the following paragraph:-

For any state of emergency and for at least 90 days thereafter, the executive office 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 the other eligibility requirements.

SECTION 10. Said Section 30 of said chapter 23B, so appearing, is hereby further amended by inserting after subsection (G) the following subsection:-

(H) (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 executive office 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 executive office shall offer the family shelter placement to begin that same business day, unless the executive office possesses specific information confirming that the

family is not eligible for emergency housing assistance, in which case the executive office 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 11. Said Section 30 of said chapter 23B, as so appearing, is hereby further amended by inserting the following subsection:-

(I) The executive office 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 executive office 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 executive office staff to access the Benefit Eligibility and Control Online Network database or any successor database maintained by the department of transitional assistance. Within 30 days of such execution, the executive office and the department of transitional assistance shall ensure that all executive office 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 executive office 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 executive office offers a family an immediate shelter placement pursuant to subsection (H) 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 executive office 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 executive office or its contracted shelter provider.

SECTION 12. Said Section 30 of said chapter 23B, as so appearing, is hereby further amended by inserting the following subsection:-

(J) The executive office shall issue no denial or termination of assistance based in whole or in part on the amount of a family's assets; provided, however, that any income generated by such assets may be treated as countable income.

SECTION 13. Said Section 30 of said chapter 23B, as so appearing, is hereby further amended by inserting the following subsection:-

(K) The executive office shall promulgate any rules or regulations which may be necessary to carry out subsections (H), (I), and (J) of this section.

SECTION 14. Said Section 30 of said chapter 23B, as so appearing, is hereby further amended by inserting the following subsection:-

(L) (1) For purposes of subsection, "applicant" shall mean any person who requests services in programs referenced to in subsection (H)(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 (H)(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.

(2) There shall be established an ombudsperson unit within the executive office of housing and livable communities to liaise between families and two programs located within the executive office of housing and livable communities. 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.

(3) The ombudsperson shall mediate between any applicant or participant and the executive office of housing and livable communities 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 executive office by telephone, delays in placement, and denials.

(4) 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.

(5) 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.

(6) Not more than 12 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.