

By Mr. McGee, a petition (accompanied by bill, Senate, No. 92) of Thomas M. McGee for legislation to remove barriers to emergency shelter for families with children. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT REMOVING BARRIERS TO EMERGENCY SHELTER FOR FAMILIES WITH CHILDREN.

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. Notwithstanding any other general or special law or regulation to the contrary, families with a child under age 21 or including a woman who is pregnant shall be eligible for Emergency Assistance shelter if they satisfy financial eligibility requirements and do not have alternative feasible housing. Notwithstanding the foregoing, the department of transitional assistance is authorized to deny Emergency Assistance shelter to an otherwise eligible family but only if the family is determined, based on clear and convincing evidence, to have engaged, while in shelter, in criminal conduct that threatened the health or safety of shelter residents or staff or to have failed, on three or more occasions to comply with reasonable and uniform regulations of the department governing the shelter system, and based thereon was terminated from shelter, within the past 12 months. Notwithstanding the first sentence of this section, the department of transitional assistance is also authorized to terminate Emergency Assistance shelter to an otherwise eligible family but only if the department determines, based on clear and convincing evidence, that (1) a member of the family, while in shelter, engaged in criminal conduct that threatened the health or safety of shelter residents or staff; (2) the family failed,

14 without good cause, on three or more occasions to comply with reasonable and uniform regulations of
15 the department governing the shelter system; (3) the family, without good cause, refused a shelter
16 placement within 20 miles of its home community or refused a transfer to a placement within 20 miles
17 of its home community; or (4) the family, without good cause and with an intention not to return, left
18 shelter without advance notice to the shelter or to the department.

19 SECTION 2. Notwithstanding any other general or special law or regulation to the contrary, the
20 department of transitional assistance shall immediately provide temporary Emergency Assistance
21 shelter for up to 30 days to families who appear to be eligible for Emergency Assistance shelter based
22 on statements provided by the family and any other information in the possession of the department
23 but who need additional time to obtain any third-party verifications reasonably required by the
24 department. The department shall not impose unreasonable requirements for third-party verification
25 and shall accept verifications from the family whenever reasonable.

26 SECTION 3. Notwithstanding any other general or special law or regulation to the contrary, the
27 department of transitional assistance shall, within 60 days of the effective date of this act, revise its
28 Emergency Assistance regulations to expand its existing good cause allowances to include finding that
29 a family has good cause for alleged instances of noncompliance with any regulations or requirements
30 applicable to Emergency Assistance shelter in cases 1) in which the family has made good faith efforts
31 to comply, 2) the regulation is unreasonable generally or as applied to the particular family or in the
32 particular case, 3) a reasonable person would conclude that good cause existed. Good cause
33 allowances shall also apply to cases in which a family has previously refused shelter or left shelter
34 without proper notice.