

By Mr. LeDuc of Marlborough, petition of Stephen P. LeDuc and others relative to emergency shelter for families with children. Children and Families.

The Commonwealth of Massachusetts

PETITION OF:

Stephen P. LeDuc	Philip Travis
Jennifer M. Callahan	Peter V. Kocot
Anne M. Paulsen	Edward G. Connolly
Douglas W. Petersen	Anthony J. Verga
Matthew C. Patrick	Elizabeth A. Malia
Ellen Story	Deborah D. Blumer
Patricia D. Jehlen	Susan C. Fargo
James B. Leary	James R. Miceli
Michael E. Festa	Steven M. Walsh
John W. Scibak	Mary E. Grant
David B. Sullivan	Walter F. Timilty

In the Year Two Thousand and Five.

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:

1 SECTION 1. Notwithstanding any other general or special  
2 law or regulation to the contrary, families with a child under age  
3 21 or including a woman who is pregnant shall be eligible for  
4 Emergency Assistance shelter if they satisfy financial eligibility  
5 requirements and do not have alternative feasible housing.  
6 Notwithstanding the foregoing, the department of transitional  
7 assistance is authorized to deny Emergency Assistance shelter to  
8 an otherwise eligible family but only if the family is determined,

9 based on clear and convincing evidence, to have engaged, while in  
10 shelter, in criminal conduct that threatened the health or safety of  
11 shelter residents or staff or to have failed, on three or more occa-  
12 sions to comply with reasonable and uniform regulations of the  
13 department governing the shelter system, and based thereon was  
14 terminated from shelter, within the past 12 months. Notwith-  
15 standing the first sentence of this section, the department of tran-  
16 sitional assistance is also authorized to terminate Emergency  
17 Assistance shelter to an otherwise eligible family but only if the  
18 department determines, based on clear and convincing evidence,  
19 that (1) a member of the family, while in shelter, engaged in crim-  
20 inal conduct that threatened the health or safety of shelter resi-  
21 dents or staff; (2) the family failed, without good cause, on three  
22 or more occasions to comply with reasonable and uniform regula-  
23 tions of the department governing the shelter system; (3) the  
24 family, without good cause, refused a shelter placement within 20  
25 miles of its home community or refused a transfer to a placement  
26 within 20 miles of its home community; or (4) the family, without  
27 good cause and with an intention not to return, left shelter without  
28 advance notice to the shelter or to the department.

1 SECTION 2. Notwithstanding any other general or special  
2 law or regulation to the contrary, the department of transitional  
3 assistance shall immediately provide temporary Emergency Assis-  
4 tance shelter for up to 30 days to families who appear to be eli-  
5 gible for Emergency Assistance shelter based on statements  
6 provided by the family and any other information in the posses-  
7 sion of the department but who need additional time to obtain any  
8 third-party verifications reasonably required by the department.  
9 The department shall not impose unreasonable requirements for  
10 third-party verification and shall accept verifications from the  
11 family whenever reasonable.

1 SECTION 3. Notwithstanding any other general or special  
2 law or regulation to the contrary, the department of transitional  
3 assistance shall, within 60 days of the effective date of this act,  
4 revise its Emergency Assistance regulations to expand its existing  
5 good cause allowances to include finding that a family has good  
6 cause for alleged instances of noncompliance with any regulations

7 or requirements applicable to Emergency Assistance shelter in  
8 cases 1) in which the family has made good faith efforts to  
9 comply, 2) the regulation is unreasonable generally or as applied  
10 to the particular family or in the particular case, 3) a reasonable  
11 person would conclude that good cause existed. Good cause  
12 allowances shall also apply to cases in which a family has previ-  
13 ously refused shelter or left shelter without proper notice.

