

Save Access to Emergency Shelter for Families Experiencing Homelessness

The Patrick Administration has proposed to restrict access to emergency shelter for children and families experiencing homelessness, beginning on April 1. **Please take immediate steps to ensure that these restrictions do not take effect:** 1) ask the Governor to withdraw the proposed restrictions (617-725-4005/1-888-870-7770) and 2) ask your State Senator and State Representative (State House Switchboard 617-722-2000) to ask Legislative leaders to provide supplemental funding for family shelter (4403-2120) **before April 1.**

The proposals to restrict shelter access for homeless children are based on a projected deficit of less than \$3.4 million in the family shelter account for the current fiscal year. This deficit is directly related to the skyrocketing number of families facing homelessness due to the poor national economy. These families are in desperate need for help, and restricting access to shelter in these precarious times is not the answer. In fact, these proposals wouldn't even end the deficit, since they would "save" the state less than \$520,000 this fiscal year.

The restrictions on access to shelter are unnecessary to close the projected deficit. The state is expected to receive from the federal American Recovery and Reinvestment Act more than \$17 million this fiscal year and another \$23 million next year in emergency TANF funds that are specifically intended to help the state meet the costs of serving more low-income families in need. **These funds can be used to cover the shelter deficit and avoid harm to children experiencing homelessness.** In the longer run, shelter demand can be reduced by better homelessness prevention, using extra Emergency Shelter Grant funding that is also in the Federal Recovery bill and building on the work of the regional coordinating entities established through the Commission to End Homelessness. These entities -- whose mission is to pilot and study creative ways to prevent homelessness -- are not yet operating but are scheduled to open in the next few weeks.

The eight proposed restrictions on shelter access (*see next page*) include **denying eligibility for shelter and services to children and families who have been evicted from or simply left subsidized or public housing in the past three years.** This proposal is particularly unfair and unwise because:

- Emergency shelter was created to protect children who have no control over their parents' conduct. Denying them shelter will punish kids unfairly.
- Many families leave subsidized housing for good reasons, including job or school opportunities or safety concerns, and many are evicted from subsidized housing due to issues beyond their control, such as those related to disability, domestic violence, limited English proficiency, or conduct by someone who is no longer a part of the household seeking shelter. In some cases, families are evicted from housing because they never even got the court papers telling them when their eviction hearing was.
- There are inadequate systems in place to prevent evictions. Few public housing authorities have eviction mediation systems and most tenants in eviction proceedings do not have legal counsel to represent them (in 2005, only 6% of tenants but 66% of landlords were represented). Denying emergency shelter to families evicted from subsidized housing will reduce the incentive the state has to create better eviction prevention systems, and therefore will not further the Commission's goal of preventing homelessness.
- Without shelter and housing search services, these families will have no safe places to go and their children may have to enter state custody, causing greater trauma to the children and greater expenses for the state over time.

Take Action Now to Protect Children and Families Experiencing Homelessness

For more information, please contact Massachusetts Law Reform Institute 617-357-0700 (Ruth Bourquin x333, rbourquin@mlri.org or Deborah Silva x340 dsilva@mlri.org), **Massachusetts Coalition for the Homeless** 781-595-7570 (Leslie Lawrence x16, leslie@mahomeless.org or Kelly Turley x17, kelly@mahomeless.org), **Greater Boston Legal Services** (Steve Valero 617-603-1654 svalero@gbls.org), **South Coastal County Legal Services** (Rick McIntosh 508-775-7020 x114 rmcintosh@sccls.org), **Legal Assistance Corporation of Central Massachusetts** (Faye Rachlin 508-752-3718 frachlin@laccm.org), **Western Massachusetts Legal Services** (Marion Hohn 413-686-9015 mhohn@wmls.org), **Neighborhood Legal Services** (Emily Herzig 781-244-1405 eherzig@nlsma.org), **Cambridge and Somerville Legal Services** (Ellen Shachter 617-603-2731 eshachter@gbls.org).

General Description of Proposed Restrictions on Family Shelter Access *

* The complete language of the proposed regulation changes is now available on the DTA website: http://www.mass.gov/Eeohhs2/docs/dta/c_dta_regs_020609_309.pdf. **The new regulations would:**

- 1. Deny access to shelter to families who have been evicted from, or abandoned without good cause, public or subsidized housing in the past three years (see discussion page 1).**
 - Existing rules already bar families whose current homelessness is caused by eviction for criminal activity, destruction of property or nonpayment of rent.
 - “Good cause” is not explicitly defined in this section but the Administration has said it would NOT include situations in which parents moved their children to safer neighborhoods.
- 2. Impose a 30-hour per week work requirement on families in shelter and kick them out of shelter if they cannot comply.**
 - This requirement will be imposed even though there are few jobs and training opportunities in the current economy, and without regard to the age of the youngest child and with no general exemptions for families with disability-related barriers.
 - In 2004, the Legislature said families in shelter should not be subject to other work requirements because they need to prioritize housing search. The proposed policy is inconsistent with the 2004 law, a “housing first” approach, and the Fair Labor Standards Act (FLSA).
- 3. Reduce the period that families who go over the income limit can stay in shelter while trying to find housing from 6 months, set by the Legislature, to only 3 months.**
 - Given the economy and lack of housing subsidies, 3 months is not enough time to secure safe, permanent housing; families could be forced into unsustainable housing arrangements.
 - The Administration says it believes it can find these families housing within three months. If that is the case, there is no need for the change in the rule.
 - The new rule will deter families from taking new job opportunities that might put them over the income limit only slightly or temporarily but leave them without enough money for housing.
- 4. Deny continued access to shelter to families who are absent from a shelter placement for two or more consecutive nights or for one night on repeated occasions without approval.**
 - In order to avoid termination, families will be required to have “good cause” (which is narrowly defined) or get approval from the shelter’s Executive Director or their DTA caseworker. The rule will prevent families from temporarily staying with relatives or attending to crises, even if they have given DTA or their shelter provider advance notice.
- 5. Deny continued access to shelter for families who reject just one offer of housing without “good cause”.**
 - Families who turn down a housing offer because it will cause them to lose a job or force their children to change schools could be terminated from shelter under the proposed rule.
- 6. Deny access to shelter to youth between 18 and 21 and to families in which the only child is between the ages of 18 and 21, unless the child has a disability or is in high school and will graduate by 19.**
- 7. Terminate shelter benefits after 30 days if parents have outstanding default or arrest warrants.**
 - Under current regulations, families must work to clear up all outstanding warrants, but may stay in shelter for more than thirty days if they are making good faith efforts to do so.
 - Under the proposed rule, children would be kicked out of shelter even though state statute authorizes denial of benefits only to the person with the outstanding warrant.
- 8. Require all families in shelter (except motels) to “save” 30% of their net income as a condition of continued eligibility for shelter.**