

SAVE ACCESS TO EMERGENCY SHELTER FOR HOMELESS FAMILIES

The Patrick Administration has proposed to restrict access to emergency shelter for children and families experiencing homelessness, beginning on April 1. **Please take all steps possible to ensure that these restrictions do not take effect**, including calling the Governor and asking him to withdraw the proposed restrictions and supporting supplemental funding for family shelter (item 4403-2120).

The proposals to restrict shelter access for homeless children are based on a projected budget 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. And these punitive proposals wouldn't even resolve 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 Economic Recovery bill 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 homeless children.** In addition, the Federal Economic Recovery package is expected to include additional Emergency Shelter Grant funding that can be used to prevent homelessness in the longer run. Also, the regional coordinating entities established through the work of the Commission to End Homelessness -- whose mission is to pilot and study creative ways to prevent homelessness -- are not yet operating but are scheduled to begin operations in the next few weeks. We should allow the regional entities to do their work, as their efforts should render these new restrictions unnecessary.

The eight proposed restrictions on shelter access (*see over*) include **denying eligibility for shelter and services to children and families who have been evicted or voluntarily 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. Moreover, many families 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.

ACT NOW TO PROTECT FAMILIES EXPERIENCING HOMELESSNESS!

For more information, please contact Mass. Law Reform Institute 617-357-0700 (Ruth Bourquin x333, rbourquin@mlri.org or Deborah Silva x340 dsilva@mlri.org), **Mass. 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 Mass.** (Faye Rachlin 508-752-3718 frachlin@laccm.org), **Western Mass. 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

(Note: As of February 3, 2009, the Administration has not yet made available to the Legislature or the public a copy of the actual language of the proposed regulations.)

The Patrick Administration is proposing to:

1. **Deny access to shelter to any family who has been evicted or who has voluntarily departed public or subsidized housing in the past 3 years without good cause.** *See discussion on page 1.*
 - No details currently available about what will constitute good cause.
 - Existing rules already bar families whose current homelessness is caused by eviction for criminal activity, destruction of property or nonpayment of rent.
2. **Impose a 30-hour per week work requirement on families in shelter and kick them out of shelter if they cannot comply.**
 - While details are currently lacking, the requirement reportedly will be imposed even though there are few jobs and training opportunities in the current economy, without regard to the age of the youngest child, with no exemptions for families with disability-related barriers (although DTA has indicated that individualized reasonable modifications will be available).
 - In 2004, the Legislature said families in shelter should not be subject to other work requirements because they need to prioritize housing search obligations.
3. **Reduce the period that families who go over the income limit can stay in shelter and try to find housing from the 6 months set by the Legislature to only 3 months.**
 - Given the economy and lack of housing subsidies, 3 months is not much time for families to secure safe, permanent housing; families who run out of time could be forced into unsustainable housing arrangements.
 - The Administration says it believes it can find these families housing within 3 months. If that is the case, there is no need for the change in the rule.
4. **Deny continued access to shelter to families who are absent from a shelter placement for 2 or more consecutive nights or for 1 night on repeated occasions without advance approval.**
 - No details currently available as to how onerous the requirements for getting approval will be or whether this 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.**
 - No details currently available as to any exceptions that might be allowed or whether the housing offer must be in a place close to jobs, schools, medical providers, etc.
6. **Deny access to shelter to families in which the only child is between the ages of 19 and 21 unless the child is disabled or in high school and expected to graduate by age 19.**
 - Under this plan, most families with dependents aged 19-21 would be sent to already overburdened individual shelters, where access is not guaranteed and family members may be separated from one another.
7. **Deny access to shelter to children whose parents have outstanding default or arrest warrants.**
 - Children would be kept out of shelter even though state statute authorizes denial of benefits only to the person with the outstanding warrant.
8. **Require all families in shelters (but not including motels) to “save” 30% of their income as a condition of continued eligibility for shelter.**