

HOUSE No. 02118

The Commonwealth of Massachusetts

PRESENTED BY:

Carlos Henriquez

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 passage of the accompanying bill:

An Act relative to eliminating homelessness.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Carlos Henriquez</i>	<i>5th Suffolk</i>
<i>Nick Collins</i>	<i>4th Suffolk</i>
<i>Russell Holmes</i>	<i>6th Suffolk</i>
<i>Linda Dorcena Forry</i>	<i>12th Suffolk</i>
<i>Aaron Michlewitz</i>	<i>3rd Suffolk</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>

HOUSE No. 02118

By Mr. Henriquez of Boston, a petition (accompanied by bill, House, No. 2118) of Walsh and others for legislation to establish procedures and guidelines for the prevention of homelessness Joint Committee on Housing.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to eliminating homelessness.

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Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 An Act Relative to Eliminating Homelessness.
- 2 Be it enacted by the Senate and House of Representatives in General Court assembled, and by
- 3 the authority of the same, as follows:
- 4 SECTION 1. Chapter 18 of the General Laws, as appearing in the 2010 Official Edition, is
- 5 hereby amended by inserting after section 2A the following section:-
- 6 Section 2B. (a) The department shall offer and provide a housing stability screening to
- 7 applicants and recipients of services and benefits provided by the department, including but not
- 8 limited to those applicants and recipients of food stamps, transitional aid to families with
- 9 dependent children, and emergency aid to the elderly, disabled and children, to determine
- 10 whether the applicants and recipients are in a stable housing situation or are at-risk of

11 homelessness within the next 12 months. Said screenings shall be offered at the time of
12 application for assistance, at the time of a recertification or eligibility review, and before
13 termination of assistance by the department. The screenings shall also be available on a walk-in
14 basis at the offices of the department and the availability of said screenings shall be publicized in
15 each local department office.

16 (b) With regard to applicants or recipients of services and benefits from the department of
17 transitional assistance whose incomes are at or below 130 percent of the federal poverty limit
18 and who are at-risk of homelessness within the next 12 months, the department, subject to
19 appropriation, shall provide to both eligible families and individuals the types of services and
20 benefits designed to prevent homelessness and create housing stability, and shall coordinate with
21 and make referrals to other available services, benefits, and housing resources to prevent
22 homelessness and create housing stability. With regard to applicants or recipients of services and
23 benefits from the department of transitional assistance whose incomes are above 130 per cent of
24 the federal poverty limit and who are at-risk of homelessness within the next 12 months, the
25 department shall coordinate with and make referrals to other available services, benefits, and
26 housing resources to prevent homelessness and create housing stability.

27 (c) The department shall annually, provide to the house and senate committees on ways and
28 means and the joint committee on children, families and persons with disabilities a written report
29 describing the number of applicants and recipients who have participated in the screenings
30 authorized by sub section (a) , the number of individuals and families serviced and the types of
31 services and referrals provided pursuant to section (b) , and the department's assessment of the
32 level of need for and effectiveness of the services provided pursuant to this section.

33 SECTION 2. Subsection (b) of section 110 of chapter 5 of the acts of 1995, as amended, is
34 further amended by striking out said subsection and inserting in place thereof the following new
35 subsection:

36 (b) In order to encourage asset development, promote employment, and prevent homelessness,
37 the commissioner is authorized to establish by regulation a maximum allowable resource limit
38 for otherwise eligible families and to establish by regulation rules governing the extent to which
39 the value of vehicles are or are not countable toward said limit. Notwithstanding the foregoing,
40 the maximum allowable resource limit shall not be less than \$5,000, adjusted from time to time,
41 as the commissioner may determine, and the rules governing vehicles shall provide that at least
42 one motor vehicle used for transportation per licensed driver in a household shall not count as a
43 resource.

44 SECTION 3. Notwithstanding any general or special law to the contrary, in determining
45 eligibility for the program of emergency aid to elders, disabled and children under chapter 117A
46 of the General Laws, the following shall not be counted by the Department of Transitional
47 Assistance as either income or a resource: (1) at least one motor vehicle used for transportation
48 per licensed driver in a household shall not count as a resource; (2) payments under state or
49 private work study programs and state grants for education or training; and (3) any asset not
50 required by federal law to be counted under the federal supplemental nutrition assistance
51 program.

52 SECTION 4. Notwithstanding any general or special law to the contrary, with respect to the
53 programs of emergency aid to elders, disabled and children under chapter 117A of the General
54 Laws and transitional aid to families with dependent children under chapter 118 of the General

55 Laws, the department of transitional assistance shall treat as non-countable with regard to any
56 maximum countable resource limits and the lump sum income rule up to \$10,000 that has been
57 expended or is placed in an Individual Asset Account for later expenditure for costs related to
58 education or training, transportation to work or to other activities of daily living, obtaining or
59 retaining or maintaining housing, debt reduction, starting a business, health care, basic
60 household necessities, or other responsible expenses as identified by the department.

61 SECTION 5. Notwithstanding any general or special law to the contrary, the department of
62 transitional assistance shall each month deposit into escrow accounts for the benefit of homeless
63 individuals and families receiving assistance under the program of emergency aid to elders,
64 disabled and children, pursuant to chapter 117A of the General Laws, or receiving assistance
65 under the program of transitional aid to families with dependent children, pursuant to chapter
66 118 of the General Laws, an amount equal to the amount by which the department reduces the
67 grants of said individuals and families due to their lack of shelter expenses. Such escrowed
68 funds shall be available to such individuals and families to obtain and retain permanent housing
69 and to remove barriers to obtaining and retaining housing and shall not be countable toward
70 otherwise applicable asset limits.

71 SECTION 6. Notwithstanding any general or special law to the contrary, on or before October
72 1, 2011, the department of transitional assistance shall establish a generally applicable work
73 expense deduction within the program of transitional aid to families with dependent children at a
74 level intended to cover work expenses incurred by working recipients, including but not limited
75 to payroll deductions, transportation, and clothing expenses. Said work expense deduction shall
76 initially be no less than \$250 and shall thereafter be adjusted annually to reflect inflation.

77 SECTION 7. Notwithstanding any general or special law to the contrary, and to the maximum
78 extent possible in light of the need for the commonwealth to meet work participation rates
79 associated with the federal transitional assistance to needy families block grant, the department
80 of transitional assistance shall a) encourage and allow recipients of transitional aid to families
81 with dependent children benefits under chapter 118 of the General Laws to satisfy their work
82 activity requirements, in whole or in part and throughout their periods of time limited benefits
83 and any extension periods, by participating in vocational educational training programs and b)
84 grant extensions of the time limit to enable recipients to complete such programs if they are
85 making satisfactory progress toward an achievable vocational goal.

86 SECTION 8. The Executive Office of Health and Human Services, Executive Office of Housing
87 and Economic Development, the Executive Office of Public Safety and Security, the Executive
88 Office of Elder Affairs, the Executive Office of Veterans Services, the Department of Housing
89 and Community Development, the Department of Transitional Assistance, the Department of
90 Developmental Services, the Department of Mental Health, the Department of Children and
91 Families, the Department of Public Health, the Department of Correction, the Massachusetts
92 Rehabilitation Commission, Massachusetts Commission for the Blind, Massachusetts
93 Commission for the Deaf and Hard of Hearing, the Massachusetts Housing Finance Agency, the
94 Massachusetts Housing Partnership and the Community Economic Development Assistance
95 Corporation shall develop and execute a memorandum of understanding which shall include an
96 action plan to coordinate the procurement and availability of community based supportive
97 services, capital subsidies, and operating subsidies for new and existing housing available to low
98 and extremely low income residents to be known as the community housing and services
99 memorandum of understanding. The memorandum of understanding shall identify and resolve

100 barriers and reduce fragmentation for the provision of community based supportive services and
101 affordable housing. Further, said memorandum of understanding shall identify and resolve
102 barriers to comprehensive institutional discharge planning in order to prevent discharges of
103 clients into homelessness or emergency shelter. The community housing and services
104 memorandum of understanding shall be filed with the Governor, Lieutenant Governor, the Joint
105 Committee on Housing, the Joint Committee on Elder Affairs, the Joint Committee on Children,
106 Families and Persons with Disabilities, the Senate Committee on Ways and Means and the
107 House Committee on Ways and Means no later than October 1, 2011. Said memorandum shall
108 facilitate the creation of a demonstration program that creates no fewer than 1,000 units of
109 permanent supportive housing that includes coordinated operating, capital subsidies and
110 voluntary community based supportive services within three years of enactment of this act,
111 provided that the aforementioned agencies shall assess the need for permanent supportive
112 housing to serve the Commonwealth's homeless or at-risk of homelessness, people with
113 disabilities, and elders and shall establish a long range target to produce new supportive housing
114 opportunities to meet the Commonwealth's need. Community based supportive services shall
115 include, but need not be limited to: comprehensive institutional discharge planning, resident
116 service coordinators, housing support teams and other models to link low and extremely low
117 income tenants with any services necessary to maintain their tenancy, or direct community-based
118 social services or other services necessary to maintain a successful tenancy, provided that a
119 tenant's receipt of services shall not be an eligibility requirement or a requirement of maintaining
120 a tenancy under the plan. The plan shall establish benchmarks to assess financial savings to the
121 Commonwealth resulting from the avoidance of institutionalization, shelter, or nursing care due
122 to the availability of community based housing support services. In consultation with all parties

123 to the community housing and services memorandum of understanding, the department of
124 housing and community development shall establish model comprehensive institutional
125 discharge housing plan and other resources as may be required under the memorandum of
126 understanding or subsequent agreement.

127 SECTION 9. The Executive Office of Health and Human Services, Executive Office of Housing
128 and Economic Development, the Executive Office of Public Safety and Security, the Executive
129 Office of Elder Affairs, the Executive Office of Veterans Services, the Department of Housing
130 and Community Development, the Department of Transitional Assistance, the Department of
131 Developmental Services, the Department of Mental Health, the Department of Children and
132 Families, the Department of Public Health, the Department of Correction, the Massachusetts
133 Rehabilitation Commission, Massachusetts Commission for the Blind, Massachusetts
134 Commission for the Deaf and Hard of Hearing, the Massachusetts Housing Finance Agency, the
135 Massachusetts Housing Partnership and the Community Economic Development Assistance
136 Corporation shall develop and execute a memorandum of understanding which shall include an
137 action plan to identify and resolve barriers to comprehensive institutional discharge planning in
138 order to prevent discharges of clients into homelessness or emergency shelter. The
139 memorandum of understanding and action plan shall include a study of existing discharge
140 planning processes in state institutions and state-funded institutions, in addition to the provision
141 for discharge planning in state accreditation processes and requirements, with particular attention
142 given to planning related to housing and homelessness prevention. The memorandum of
143 understanding and action plan shall identify opportunities for improvement in discharge
144 planning, and execute such improvements through the action plan, or through policy or
145 regulatory change, as appropriate. Any individual agency subject to this section, or several in

146 concert, may file legislation, where necessary to further the goals of this section. Institutions
147 subject to the memorandum, or funded or regulated by entities subject to this memorandum, shall
148 be required to disclose their discharge planning policy through their accreditation or other review
149 process, with a copy filed with a representative party to this memorandum. The department of
150 housing and community development shall work with recipients of emergency shelter funding to
151 obtain data regarding the number of shelter guests who report that they have been released from
152 or resided in a state or state-funded institution or system of care in the previous year, including
153 an analysis of the numbers for each type of institution. The memorandum shall also identify
154 barriers to increased Medicaid and other reimbursement for parties that provide discharge
155 planning. The department of housing and community development shall establish model
156 comprehensive institutional discharge housing plan and other resources as may be required under
157 the memorandum of understanding or subsequent agreements, and make such plan available to
158 institutions subject to the memorandum, or funded or regulated by entities subject to this
159 memorandum. The comprehensive discharge planning memorandum of understanding and
160 action plan shall be filed with the Governor, Lieutenant Governor, the Joint Committee on
161 Housing, the Joint Committee on Elder Affairs, the Joint Committee on Children, Families and
162 Persons with Disabilities, the Senate Committee on Ways and Means and the House Committee
163 on Ways and Means no later than October 1, 2011.

164 SECTION 10. The executive office of housing and economic development, in conjunction with
165 the department of housing and community development, shall conduct a study on the use and
166 effectiveness of existing state-assisted and housing and community development programs and
167 housing resources to house those who are homeless or at-risk of homelessness. That study shall
168 include, but not be limited to:

169 (a) a comprehensive review of all state-assisted and housing and community development
170 programs and housing resources, including all federal or state funded public housing, federally
171 or state-funded rental assistance, or for assisted units in affordable housing developments in the
172 Commonwealth, which shall include affordable rental housing units operated in the
173 Commonwealth in developments defined as publicly-assisted housing in section 1 of chapter
174 40T, rental housing units funded by the department, the Massachusetts housing finance agency
175 and/or the United States department of housing and urban development, to determine the extent
176 to which they have been used as a resource for housing people who are homeless and at-risk of
177 homelessness;

178 (b) a comprehensive review all applicable laws and regulations, plans and policies governing the
179 aforementioned housing programs and identify barriers to housing a greater number of those who
180 are homeless or at-risk of homelessness through these housing programs, including, but not
181 limited to existing tenant-selection policies established under section 32 of chapter 121B or
182 otherwise, procedural barriers, including but not limited to the availability of electronic funds
183 transfer arrangements, domestic violence status, witness status, and the ability of applicants to
184 designate a third party to receive notices regarding their application;

185 (c) a comprehensive review of existing priorities and preferences for those who are homeless or
186 at-risk of homelessness in current state law or regulation, emergency case status through
187 emergency case plan, the use of the department's model emergency case plan, or any other
188 policy;

189 (d) an evaluation of the effectiveness of existing agreements and arrangements that connect
190 housing programs with persons who are homeless or at-risk of homelessness;

191 (e) to the extent possible, an assessment of the policies and practices of local housing authorities
192 and other entities administering public housing and voucher assistance relative to existing
193 homeless preferences or other homeless placement policies and emergency case plans, and the
194 number of individuals and families that have been housed through such preferences;

195 (f) an identification of opportunities for increasing the availability public housing and voucher
196 assistance for those who are homeless or at-risk of homelessness through the elimination of
197 barriers to housing programs through state and local partnerships, and cross-agency and public-
198 private collaboration;

199 (g) an identification of opportunities to increase the use of all housing listed in subsection (a) to
200 contribute a certain portion as a set-aside as housing for those that are homeless and those at-risk
201 of homelessness;

202 (h) an identification of supportive services resources necessary to assist persons transitioning
203 from homelessness or housing instability, particularly including services for populations where
204 the provision of appropriate supportive services may improve continuity of care, and/or mitigate
205 the cost of care associated with certain homeless populations, including, but not limited to,
206 chronically homeless adults, chronically homeless families with children with disabilities or
207 other special needs, and persons with mental illness; and

208 (i) an action plan for identifying opportunities for partnerships and cooperative agreements and a
209 course of action for facilitating the delivery of these services to those transitioning from
210 homelessness or housing instability to the aforementioned housing.

211 The department shall file a report detailing its review and recommendations, along with drafts of
212 any policy or regulatory changes made, or legislation filed, as a result of this study, as well as

213 legislative proposals to implement the recommendations, with the Governor, Lieutenant
214 Governor, the Joint Committee on Housing, and the clerk of the senate and the clerk of the house
215 of representatives no later than October 1, 2011.

216 The department shall amend rules and regulations wherever necessary or appropriate to carry
217 recommendations of this study into effect.

218 SECTION 11. Notwithstanding any general or special law to the contrary, the department of
219 housing and community development is hereby directed to develop and fund a pilot program for
220 the purpose of increasing the availability public housing and voucher assistance for individuals
221 and households who are homeless or at-risk of homelessness. The pilot shall be designed to
222 create a unit-for-unit matching incentive program to provide participating housing authorities
223 with a credit of matching vouchers equal to the number of new vouchers or units that the housing
224 authority sets aside for use by individuals or families who are homeless or at-risk of
225 homelessness, provided that the state match for any individual entity shall be capped as a
226 percentage of the number of homeless households that reside in the municipality, as determined
227 by the department. The pilot shall be implemented through partnerships between the department
228 and public housing authorities and/or other local governments or entities that administer housing
229 vouchers and shall facilitate the creation of agreements or memoranda of understanding between
230 supportive service providers, participating housing authorities, and other participating entities to
231 ensure the delivery of adequate supportive services to residents of housing set-aside under this
232 pilot program, or offered under a preference created as a result this pilot program, for individuals
233 who were formerly homeless or at-risk of homelessness. Said pilot program shall be undertaken
234 in collaboration and with the assistance of all relevant state agencies, and involve private

235 organizations that provide services, shelter or housing to people who are homeless or at-risk of
236 homelessness.