

January 27, 2025

The Honorable Aaron Michlewitz  
Chair, House Committee on Ways and Means  
State House, Room 243  
Boston, MA 02133

Dear Chair Michlewitz:

Thank you for your recent letter detailing questions on the Healey-Driscoll Administration's proposed changes to the Emergency Assistance (EA) shelter system. Working together with the Legislature, we have made significant progress over the past two years in addressing the unprecedented demands faced by the family shelter system. During this period, we have implemented reforms—detailed in Attachment A—that have reduced demand on the system from 30-40 eligible families applying on a daily basis in the fall of 2023 to 15-20 families today; many more families and individuals seek shelter on a daily basis even when not fully eligible for our system.

The reforms reflect our work to better serve families by analyzing their needs at intake, placing them in one of two tracks—'Rapid' or 'Bridge' shelter—and ensuring they receive the necessary services and supports to transition to stable housing. In parallel, our two-track model allows us to shift our portfolio away from costly, emergency sites such as hotels, and back towards locations better suited for families' needs. The goal of this work has always been to return the system from a peak of 7,500 families back to sustainable and historical levels and, at present, we are trending in that direction.

Our recent proposals seek to build on this progress. As outlined below, we are confident that the changes we have proposed align with the original intent of the Right to Shelter Law, protect the long-term fiscal sustainability of the shelter system, support cities and towns in addressing the needs of unhoused families, and help ensure the safety of shelter recipients and their communities. We look forward to continuing to work together on the pending supplemental budget legislation.

### **Background on the Healey-Driscoll Administration's Proposed Changes**

In her letter of January 15, 2025, Governor Healey announced important administrative changes to the EA shelter system as well as proposed statutory changes for the Legislature's consideration. Administratively, Governor Healey announced that pre-placement CORI checks would start on all EA applicants, in addition to the extensive background checks already occurring. The background checks already occurring have consisted of: (i) SORI checks on intake for all applicants age 10 and over, and every six months thereafter; (ii) warrant checks for all applicants conducted monthly; and (iii) CORI checks on individuals age 13 and over who have been placed in our Temporary Respite Center sites. CORI checks, while not required under

existing statute or regulations, are being implemented by this administration to further strengthen public safety at all shelter sites.

A new CORI policy for the EA shelter system, a copy of which is appended to this letter as Attachment B, became effective today. In addition, by the end of this week, the EA shelter intake process will be amended to require self-reporting of prior criminal convictions in Massachusetts and elsewhere. While the Legislature may wish to codify these policies, the Executive Office of Housing and Livable Communities' (EOHLC)'s implementation of the new CORI policy and the updated intake process do not require or rely on additional statutory change.

Governor Healey's letter of January 15, 2025 also outlined proposed changes in the following areas: (i) presumptive eligibility; (ii) residency requirements; (iii) core eligibility criteria; (iv) income reassessment; (v) lawful status; and (vi) mandatory transfer. We believe that changes in these areas, as discussed in greater detail below, should be accomplished through amendment to the EA shelter line item. These changes, in our view, reflect sensible and prudent policy improvements to better align with the original intent of the program, which should be permanent and effective prospectively.

#### *Proposed Changes to Presumptive Eligibility*

The EA system was established in 1983 through the Right to Shelter Law, with a purpose of providing “a program of emergency assistance to needy families with children and pregnant women with no other children,” and a mandate on the executive branch “to ensure simplicity of administration in the best interest of needy recipients.” G. L. c. 23B, § 30. Although not a part of the Right to Shelter Law in its first two decades, a “presumptive eligibility” mandate was added to the line item in 2005. Under the mandate, which remains in place today, EOHLC is required to “immediately provide shelter for up to 30 days to families who appear to be eligible for shelter based on statements provided by the family and any other information in the possession of the executive office.” In practice, the mandate (and associated case law under the mandate) requires EOHLC to place families into shelter based on self-attestations of eligibility and precludes EOHLC from verifying basic eligibility requirements prior to placement, including a family's qualifying reason for homelessness, identity, proof of familial relationship to children in the family, eligible immigration status, Massachusetts residency, and income and assets.<sup>1</sup>

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<sup>1</sup> As the Supreme Judicial Court explained in its *Garcia* decision of November 2024:

“The [presumptive eligibility mandate] instructs that HLC ‘shall immediately provide shelter,’ and the Legislature’s use of the word ‘shall’ reflects the imposition of a nondiscretionary, mandatory obligation . . . . The [presumptive eligibility language] says nothing about using or requiring third-party verification to establish a family’s appearance of eligibility, and that omission is presumed to be deliberate . . . . Our close reading of the plain language . . . leads us to conclude that the Legislature did not intend to require that families provide third-party verification of eligibility at the time of initial application for emergency assistance shelter. *Instead, the plain language imposes a mandatory obligation to provide short-term, temporary*

Particularly in a time of heightened demand on the EA system, it is essential that shelter space be reserved for those who in fact qualify for benefits based on the eligibility criteria set by the Legislature. We note that, on average, approximately half of all families who apply for EA shelter are determined to be ineligible for the benefit based on their initial application materials and prior to being placed in the system. In addition, we conservatively estimate that at least 6% of families are also determined to be ineligible after being placed presumptively based on the initial information they provided. On average, one month of “presumptive eligibility” EA shelter benefits costs approximately \$10,000 to \$15,000 to provide per family.

We propose to return to the original intent of the Right to Shelter Law by removing the “presumptive eligibility” mandate from the line item and reverting to the prior practice of requiring pre-placement verification of eligibility for most families. *See* G. L. c. 23B, § 30(B) (“The executive office shall take all reasonable actions to minimize abuse and errors. Such activities shall include . . . the verification of all elements of eligibility.”). We recommend empowering EOHLC to waive pre-placement verification on a case-by-case basis where a family reasonably lacks the necessary documentation at the time of application, such as in cases involving homelessness due to natural disaster or domestic violence. EOHLC is confident that this change to “presumptive eligibility” will further reduce demand on the EA system by allowing EOHLC to make necessary ineligibility determinations prior to the provision of benefits. And EOHLC is also confident that, supported by policy and operational improvements in place since 2023, this change can be implemented equitably and quickly to ensure families are expeditiously reviewed, assessed for prioritization, and placed into shelter. \_

### Residency Requirements

Since the passage of the Right to Shelter Law in 1983, eligibility for shelter benefits has consistently required individuals in shelter to demonstrate Massachusetts residency. And, as a legal matter, Massachusetts residency consists of both physical presence in the state and an intention to remain permanently or indefinitely.<sup>2</sup> The requirement of Massachusetts residency appeared in the EA shelter line item prior to 2022 and remains in EOHLC’s regulations today. 760 CMR 67.02(1)(c) (“[A]ll members of the EA household shall be residents of the Commonwealth of Massachusetts and shall demonstrate residency as an element of basic verification of identity.”). For practical purposes, however, EOHLC has been constrained in its ability to enforce the residency requirement. The “presumptive eligibility” mandate, as

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*shelter without delay to families who appear—but may not actually be—eligible, based solely on their own statements and on information in HLC’s possession.”*

*Garcia v. Exec. Off. of Hous. & Livable Communities*, 495 Mass. 86, 91 (2024) (emphasis added and internal citations omitted).

<sup>2</sup> *See Mulrain v. Bd. of Selectmen of Leicester*, 20 Mass. App. Ct. 950, 952 (1985) (“As used in Massachusetts statutes, residence has sometimes been construed as the practical equivalent of domicile, implying physical presence coupled with an intention to remain.”) (internal citations and quotation marks omitted).

discussed above, allows families to enter shelter based on self-attestations of residency alone. Attachment C to this letter reflects a list of documents that EOHLC typically uses to verify Massachusetts residency but which, due to the “presumptive eligibility” mandate, can only be required after up to 30 days of benefits.

Case law distinguishes between two types of residency requirements: “Bona fide residence” and “durational residence.” A “bona fide residence” requirement conditions eligibility for a benefit on simple proof of state residency. Such “bona fide residence” requirements are legally sound and widely used, in Massachusetts and elsewhere. By contrast, “durational residence” requirements strictly and unconditionally predicate eligibility for a benefit on proof of a defined period of continuous physical presence in the state. These “durational residence” requirements often trigger heightened constitutional scrutiny and, in some cases, have been struck down as unconstitutional.<sup>3</sup>

We propose to include a “bona fide residence” requirement in the line item, consistent with the pre-2022 language and EOHLC’s current regulations. This approach aligns with the law’s original intent by restoring the statutory requirement of residency and reverting to the historical practice of verifying residency prior to placement.

If our proposed change becomes law, individuals would be able to prove residency through the types of documentation on Attachment C *or* by showing physical presence in Massachusetts for a period of three months, tracked from the first day of documentable presence in the state. Importantly, this reflects the “bona fide residence” approach cited above; applicants will have options to demonstrate residency and an individual who proved residency through documentation would not be required to show any period of physical presence. Ultimately, we expect that new regulations, developed through the ordinary regulatory process and in consultation with stakeholders, would fully set forth the types of documentation acceptable to prove residency, along with any appropriate exemptions, such as for individuals re-entering the shelter system after a prior stay.

#### *Proposed Changes to Core Eligibility Criteria*

Under the current line item language, families may be eligible for EA shelter based on several types of no-fault eviction, but without geographic limitation. Similarly, families may be eligible for EA shelter if they are in a housing situation “not meant for human habitation,” but also

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<sup>3</sup> See *Martinez v. Bynum*, 461 U.S. 321, 325 (1983) (“On several occasions the Court has invalidated requirements that condition receipt of a benefit on a minimum period of residence within a jurisdiction, but it always has been careful to distinguish such durational residence requirements from bona fide residence requirements.”); *Att’y Gen. of New York v. Soto-Lopez*, 476 U.S. 898, 904 n.3 (1986) (“We have always carefully distinguished between bona fide residence requirements, which seek to differentiate between residents and nonresidents, and residence requirements, such as durational, fixed date, and fixed point residence requirements, which treat established residents differently based on the time they migrated into the State. A bona fide residence requirement, appropriately defined and uniformly applied, furthers the substantial state interest in assuring that services provided for its residents are enjoyed only by residents.”) (internal citations and quotation marks omitted)

without geographic limitation. In the last six months, up to one-third of EA applicants indicated on their applications that they did not live in Massachusetts at some point within the 90 days prior to application, and we have seen numerous instances in which applications for shelter were based on homelessness that occurred in one of our border states. We have also observed that of our families in the system, up to 5% indicate they had a family member who was a U.S. citizen that resided outside Massachusetts prior to applying. Relatedly, approximately 4% of families exiting EA shelter transition directly to housing out of state.

Once again, we believe that the existing language in the line item diverges from the original intent of the law, which aimed to address homelessness occurring in Massachusetts and impacting Massachusetts residents. *See* G. L. c. 23B, § 30 (requiring operation of shelters in Massachusetts “that are geographically convenient to families who are homeless or at-risk of homelessness”). We therefore propose, consistent with the original intent of the law, to amend these two eligibility criteria to require that an eligible no-fault eviction or unsafe housing situation occur in Massachusetts.

### *Income Reassessment*

As you know, Governor Healey’s FY25 supplemental budget, H.51, proposed to limit the maximum length of stay in shelter to six months based on experience from implementing the nine-month length of stay policy since last summer. Through this shift in policy, and our parallel efforts to connect over 4,500 residents to jobs, we have been able to increase monthly exits to nearly three times the amount seen in 2023. Last month, for example, we saw over 600 exits from the system, which is the highest monthly total in the last decade. By more quickly exiting families to stable housing, we have been able to reduce the size of our system and no longer utilize costly and unsafe sites, such as hotels.

The existing line item language, however, requires EOHLC to wait a minimum of six months before reassessing a family’s income for purposes of continuing eligibility. If the maximum length of stay period is shortened, as we have proposed, this waiting period must be shortened as well. Otherwise, EOHLC would be precluded from reassessing income for any family in the EA system. We have therefore proposed shortening the waiting period on income reassessment to three months.

### *Lawful Status*

Prior to 2022, the line item language, as proposed by prior administrations and adopted by the Legislature, required each member of a household in EA shelter to show that they were either a U.S. Citizen, a lawful permanent resident, or a person in the United States under color of law. Governor Healey’s H1 proposal in 2023 and H2 proposal in 2024 proposed re-inclusion of this language. The proposal was not adopted by the Legislature. Understanding one concern with the proposal to be its potential impact on children, we suggest requiring that all individuals in a “family” demonstrate that they are either a U.S. Citizen, a lawful permanent resident, or are here under the color of law, with the exception of households that include children with one of these statuses.

For purposes of this proposal, a “family” would be defined in accordance with 760 CMR 67.02, which treats a “family” as a household with parents, stepparents or caretaker relatives and a child younger than 21 years of age, or a household with a pregnant woman without any children. Under our proposal, the entirety of a family with a child with lawful status would be eligible for benefits. In all other cases, a person’s lack of lawful status would make only that particular person ineligible for shelter benefits.

We also wish to clarify the status quo in this area: Under current EOHLC regulations, which have been in place for more than a decade, at least one family member must have an eligible immigration status, but EOHLC does not require more than one family member to show an eligible status. 760 CMR 67.02(7). Again, the “presumptive eligibility” mandate limits EOHLC’s ability to confirm immigration status prior to placement. But, when able, EOHLC will accept the documents listed on Attachment D as proof of status, which include a passport, green card, or other federal immigration documentation.

### Mandatory Transfer Rule

Under the existing line item language, EOHLC is required to place a family within 20 miles of the household’s home community, at the earliest possible date and unless requested otherwise. As an integral part of our hotel closure plan, which is already underway, we propose removing the mandatory 20-mile requirement, while still committing to best efforts to place a family within 20 miles of their home community whenever practicable.

Reducing the reliance on hotels is critical to returning to a sustainable system as they are the most expensive shelter model and do not provide an ideal environment for long-term shelter. In partnership with EA providers, EOHLC has reduced the number of hotels used for shelter from over 100 to less than 55 today and has developed a plan to close all remaining hotels in phases by the end of 2025. The first phase of hotels in this final closure plan were closed on December 31, 2024. EOHLC is in the process of communicating plans for closures to providers, families, and the local community. Providers are working intensively with families to support exits into safe and stable housing prior to a site closing.

### **Other Policies**

In response to your request for security and operational policies, Attachments E and F include the health, safety, and security policies for the rapid and bridge shelter track.

Both tracks also have materials and trainings on escalation and incident reporting, non-compliance, and inspection processes. These documents are regularly updated on respective provider portals.

### **School Systems**

We anticipate continuing to provide financial assistance for school districts at the \$104/student/date level through FY25. This data is monitored quarterly by DESE and payments are made three times per year.

We do not anticipate that any of our proposed changes would result in a meaningful displacement of children currently enrolled in school districts this school year and our service providers will be working closely with families, DESE representatives, and school districts on school transitions, when necessary.

**Recent Federal Executive Orders**

In consultation with the Attorney General’s Office, we are actively reviewing recent Trump Administration executive orders related to immigration for potential impacts on the EA shelter system. This work remains ongoing and we will remain in close communication on any conclusions on relevant impacts.

Sincerely,

/s/ Matthew J. Gorzkowicz

Secretary Matthew J. Gorzkowicz,  
Executive Office for Administration  
and Finance

/s/ Edward Augustus

Secretary Edward Augustus,  
Executive Office for Housing and  
Livable Communities

## Attachment A: Policies and Procedures for the Two-Track System

- Emergency Declaration (10/31/2023): <https://www.mass.gov/doc/declaration-emergency-assistance-family-shelter-1/download>
- Emergency Declaration Extension (10/25/2024): <https://www.mass.gov/doc/extension-of-declaration-emergency-assistance-family-shelter-1/download>
- Contact List and Prioritization Guidance (Updated 12/10/2024): <https://www.mass.gov/doc/ea-guidance-on-contact-list-and-prioritization-procedures/download>
- EA Bridge Shelter Uniform Shelter Rules: <https://www.mass.gov/info-details/bridge-shelter-track-rules-emergence-assistance-ea-family-shelter>
- Rapid Shelter Track Rules: <https://www.mass.gov/info-details/rapid-shelter-track-rules-emergency-assistance-ea-family-shelter>
- [Apply for Emergency Assistance](#) (EA) Family Shelter

## Attachment B: CORI Policy

# Commonwealth of Massachusetts EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES

Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary



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[www.mass.gov](http://www.mass.gov)

Boston, Massachusetts 02114  
617.573.1100

### **Criminal Offender Record Information Policy for the Emergency Assistance Family Shelter Program**

The purpose of this policy is to establish a standardized policy and procedure (“CORI Policy”), pursuant to 803 CMR 2.18, for the Executive Office of Housing and Livable Communities’ (“EOHLC”) Emergency Assistance (“EA”) Family Shelter Program regarding the review of criminal records for all applicants and their household members 18 years of age and older. EOHLC is granted access to Criminal Offender Record Information (“CORI”) by the Department of Criminal Justice Information Services (“DCJIS”) to screen applicants and participants of the EA Family Shelter Program. M.G.L. ch. 6, § 172(a)(6); 803 CMR 2.09(2). The following practices and procedures will be followed with respect to CORI and placement in the EA Family Shelter Program, including Bridge and Rapid Shelter Tracks, and Clinical and Safety Risk (“CSR”) sites, and Temporary Respite Center (“TRC”) sites overseen by the Executive Office of Health and Human Services. All personnel authorized to conduct criminal history background checks by EOHLC and/or to review CORI information will be expected to review, and be thoroughly familiar with, the CORI Policy.

#### **I. Conducting CORI Screening**

CORI checks will be conducted on all family members applying to the EA Family Shelter Program 18 years of age and older. As authorized by the DCJIS and M.G.L. ch. 6, § 172, and only after a CORI

Acknowledgement Form has been completed, EOHLC employees or other persons so authorized by EOHLC will conduct DCJIS Commissioner-approved level CORI screens. EOHLC will notify all applicants and their families that their CORI may be requested at any time within the one year that their CORI Acknowledgement Form is valid or until their exit from the EA Family Shelter Program, whichever occurs first. EOHLC will also conduct publicly accessible CORI screens per procedures outlined below.

## II. **CORI Training**

All personnel authorized to review or access CORI will be expected to have reviewed, and be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS. M.G.L. ch. 6, § 172; 801 CMR 2.00; see also, [iCORI training materials](#).

## III. **Access to CORI and EOHLC “Need to Know” List**

All CORI obtained from the DCJIS is confidential, and access to the information will be limited to individuals who have been designated as having a “need to know” and who are otherwise authorized pursuant to 801 CMR 2.00 to conduct the CORI screening. Individuals designated may include, for example, staff of EOHLC field offices processing applications, staff conducting the CORI review, EOHLC Division of Housing Stabilization (“DHS”) managers administering the EA Family Shelter Program, and legal advisors. EOHLC will maintain a current list of each individual authorized to view CORI. This list is updated at least once every six (6) months or as-needed and is subject to inspection upon request by the DCJIS at any time. 803 CMR 2.18.

A secondary dissemination log must be maintained if CORI is shared with any individual outside of the EOHLC CORI-registered program.

## IV. **CORI Acknowledgement Form, Verification of Identity, and Refusal/Inability to Sign**

### a. **CORI Acknowledgment Form**

Except in the instance of a public-access or open access CORI search,<sup>1</sup> all EA Family Shelter Program applicants and family members 18 years of age and older must sign a CORI Acknowledgement Form. 803 CMR 2.11. Prior to submitting a CORI request for any individual, EOHLC must: (1) obtain a signed CORI Acknowledgement Form; (2) verify their identify for CORI purposes pursuant to 803 CMR 2.11(5) (addressed in Section IV.b, below); and (3) sign and date the CORI Acknowledgement Form certifying that the person’s identity was verified.

All family members 18 years of age and older at the time of application must complete and sign their own CORI Acknowledgment form and produce verification of identity. To complete the CORI Acknowledgement Form, the individuals must provide: (1) name, including all names that have been used by the individual or are known by the individual to appear in the CORI database; (2) date of birth, including any dates of birth for the individual that they are aware of appear in the CORI database; and (3) if available, the last six digits of the individual's social security number.

The CORI Acknowledgement Form will be valid for one year from the date of signature or until the exit from the EA Family Shelter Program, whichever occurs first.

**b. Verification of Identity**

In order to verify the identity of an individual for CORI purposes pursuant to 803 CMR 2.11(1)(b) and 803 CMR 2.11(5), one of the following methods shall be used.

*i. Verification in Person*

An EOHLC employee, or someone authorized by EOHLC, must review a suitable form of government-issued identification in person. The following suitable forms of identification containing a photograph are acceptable by DCJIS:

1. A passport issued by the United States or any foreign country;
2. A driver's license issued by any federal, state, or territorial government of the United States;
3. An identification card with a photograph issued by any federal, state, or territorial government of the United States;
4. A permanent residency card issued by the United States government;
5. A military identification card issued by the United States government;
6. Native American Tribal documents; and
7. Other forms of documentation as determined by DCJIS.

If an individual does not have an acceptable form of identification listed above, EOHLC may verify identity by examining in person either the person's birth certificate or social security card. Additionally, if the individual only has a foreign identification card or foreign driver's license with a photograph, EOHLC will accept it as verification.

If the individual only has an expired form of identification and no birth certificate or social security card, EOHLC will review on a case-by-case basis to determine if they may be accepted.

*ii. Notary Public*

If identity is unable to be verified in person by an EOHLC employee or someone authorized by EOHLC, the person may submit a notarized CORI Acknowledgement Form.

**c. Refusal/Inability to Sign or Produce Identification**

If an individual 18 years of age and older declines or is unable to sign the CORI Acknowledgement form and/or is unable to produce the necessary identification, the placement for the family will be restricted as though a Serious Crime conviction or pending charge (defined below in Section V.a.i.) exists. EOHLC staff will proceed as follows:

1. Run an iCORI search using publicly available information;
2. If feasible, divert the applicant's family from shelter or, if the family is already otherwise placed in the EA Family Shelter Program, exit the family utilizing Diversion services, such as HomeBASE;
3. If feasible, attempt to separate the non-consenting individual from the rest of the family; and
4. Place the family into shelter, or keep the family in shelter, as applicable, treating the family as if it includes a member who was found to have a Serious Crime conviction or pending charge on their record (discussed in Section V, below).

Pursuant to the Uniform Shelter Rules, the failure of any family member 18 years of age and older to sign the CORI Acknowledgement Form will warrant termination.

**V. Review of CORI**

A CORI review will commence should any criminal record be returned during the course of an iCORI search.

**a. Findings from CORI Review – Crimes Subject to Review**

*i. Serious Crimes*

If a CORI review reveals any convictions or pending criminal charges of a Serious Crime (defined below) for an applicant or family member 18 years of age and older, EOHLC will take one of the actions listed below.

A Serious Crime includes the following convictions or pending charges in the following categories:

1. First and second degree murder or its equivalent;
2. Felonies involving child abuse or neglect;
3. Felonies against children, including child pornography;
4. Misdemeanors involving violence against children;
5. Felonies involving spousal abuse;
6. Felonies involving rape or sexual assault;
7. Kidnapping;
8. Arson;
9. Felony assault or battery;
10. Felony drug offenses within previous three years;
11. Felony sex offense and human trafficking; and
12. Felonies or misdemeanors involving firearms, ammunition, or dangerous weapons.

If a CORI review reveals a conviction of a Serious Crime for an applicant or family member 18 years of age and older, EOHLC will take one of the below actions. EOHLC may withhold the following actions, however, if the individual submits:

1. a written assessment by a qualified mental health professional concluding in writing that the individual does not pose an unacceptable risk of harm to others in the EA Family Shelter Program; or
2. a writing from the candidate's criminal justice official, including a probation or parole officer, stating that the candidate does not pose an unacceptable risk of harm to others in the EA Family Shelter Program.

ii. *Action Protocol for Families Presently in Congregate EA Family Shelter with Serious Crimes*

For families presently placed in the EA Family Shelter Program in a congregate location, including hotels or co-shares, EOHLC will take the following actions in order as listed:

1. Attempt to exit the family using services such as HomeBASE.
2. Ask the individual 18 years of age or older with the Serious Crime on their CORI to separate from the family while the remaining family members reside in shelter, if feasible.
3. Review, on a case-by-case basis, the necessity to transfer the family to a setting posing a lower level of risk to other families in the EA system.  
Review will consider:

- a. The severity of the criminal history and the potential risk it poses to other EA residents;
- b. Risk-mitigating and risk aggravating factors related to the individual, including but not limited to, any provided letters from mental health or criminal justice professionals asserting a difference in criminal risk compared to CORI record or Uniform Shelter Rule track record of the individual during their tenure in EA program to date;
- c. Risk-mitigating and risk aggravating factors related to the placement, including but not limited to, the physical location or layout of the shelter unit in relation to other EA families or enhanced programmatic staffing or other safety measures; and
- d. Availability of alternative shelter units for placement.

iii. *Action Protocol for Applicants to the EA Family Shelter Program with Serious Crimes*

For individuals and families applying for EA, do the following in order:

- 1. If feasible, divert the applicant’s family from shelter;
- 2. If feasible, ask the individual 18 years of age or older with the Serious Crime on their CORI to separate from the family while the remaining family members’ application proceeds for shelter;
- 3. Review, on a case-by-case basis, the placement options within EA that pose lower relative risk to other families in the EA system. Review will consider:
  - a. The severity of the criminal history and the potential risk it poses to other EA residents;
  - b. Risk-mitigating and risk aggravating factors related to the individual, including but not limited to, any provided letters from mental health or criminal justice professionals asserting a difference in criminal risk compared to CORI record or Uniform Shelter Rule track record of the individual during their tenure in EA program to date;
  - c. Risk-mitigating and risk aggravating factors related to the placement, including but not limited to, the physical location or layout of the shelter unit in relation to other EA families or enhanced programmatic staffing or other safety measures; and
  - d. Availability of alternative shelter units for placement.

**b. Findings from CORI Review – Outstanding Warrant**

In accordance with M.G.L. ch. 23B, § 30, and applicable EOHLC policies and procedures, if the CORI review reveals an outstanding warrant for any offense in any court of the Commonwealth, the EA Family Shelter Program applicant or family member is not eligible for benefits if they do not resolve the warrant within 30 days of notification by EOHLC. 760 CMR 67.02(11).

c. **CORI Decisions, Questioning of an Individual, and CORI Dispute of Accuracy Process**

If EOHLC follows the above protocols based on the results of a criminal history background check and takes any adverse placement action, the individual will be notified in accordance with DCJIS regulations, 803 CMR 2.16. Additionally, should EOHLC wish to question an individual about their CORI results, EOHLC must provide them with a copy of their CORI.

The individual will be provided with the following, in either secure electronic format or notified via telephone that paperwork concerning their case must be picked up from an EOHLC field office:

1. A copy of this CORI policy;
2. A copy of their CORI (unless a copy was provided previously); and
3. Information concerning the process for correcting a criminal record according to the DCJIS.

The individual will be provided with an opportunity to dispute the accuracy of the CORI record through the DCJIS.

VI. **Data Storage and Retention**

Storage, retention, and destructions of all CORI reports, including those with a finding of “no record”, will be in accordance with DCJIS regulations at 803 CMR 2.14, including:

- Hard or paper copies of CORI shall be stored in a separate locked and secure location, such as a file cabinet. Access shall be limited to only those employees approved to access CORI.
- Electronically-stored CORI shall be password protected and encrypted. Password access shall be limited only to those employees who have been approved by X to access CORI.

CORI Acknowledgment Forms will be retained by the requestor for a minimum of one year and maximum of seven years from the date of the subject's signature, or until their exit from the EA Family Shelter Program, whichever occurs first. 803 CMR 2.14.

VII. **Secondary Dissemination**

All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log must be used to record any dissemination of CORI outside EOHLC, including dissemination at the request of the applicant.

## **Attachment C: Documents for Verifying Residency**

For proof of Massachusetts residency, applicants may provide one of the following documents:

- Massachusetts photo ID;
- Documents show the person currently receives MassHealth (may include screen shots);
- Document or screenshot showing the person has public benefits in Massachusetts;
- W-2 form or similar form from employer, with name and address;
- Professional license;
- Firearms card;
- Proof of canceled government benefits from another state;
- Property or excise tax bill, with name and address (must be from last 12 months);
- Certified voter registration form;
- Sale contract, such as car loan, showing repeated payments, with address (within last 12 months);
- Lease or home mortgage (within last 12 months);
- Insurance policy, with address (within last 12 months);
- A bill or other insurance document with address (within last 60 days);
- Canceled personal check, with address (within last 60 days);
- Utility bill, such as for phone, credit card, hospital, etc., with address (within last 12 months);
- Jury duty notice, with name and address (within last 12 months);
- School transcript (within last 12 months);
- Email, letter, or statement from school, stating the person is a current student (within last 12 months). Must be from principal, headmaster, teacher, social worker, guidance counselor, or school recordkeeper.
- Email, letter, or statement from a licensed health care worker on office letterhead or office email, stating that the person lives in Massachusetts (within last 12 months);
- Retirement documents with name and address (within last 12 months);
- Pay stub with current employer, with name and address (within last 60 days);
- Census document, with name and address (within last 12 months);
- Federal or state income tax returns (within past two calendar years); or
- Eviction documents, showing address of where the person is being evicted (within last 12 months).

## **Attachment D: Documents for Verifying Citizenship Status**

For proof of U.S. citizenship, applicants may provide EOHLC one of these documents:

- U.S. Birth Certificate
- U. S. Social Security Card
- U.S. passport
- Certificate of Naturalization
- Certificate of Citizenship
- U.S. Citizen Identification Card

For proof of permanent residence, applicants may provide EOHLC one of these documents:

- Alien Registration Card/Green Card/Permanent Resident Card)
- U.S. Re-entry Permit

For all other immigration status, applicants may provide EOHLC one of these documents:

- Temporary Resident Card
- U.S. Refugee Travel Document
- Employment Authorization Card
- Arrival-Departure Record (Form I-94)
- Notice of Action showing approved immigration status, including H-1B, L-1A/B, F-1, TPS, U-Visa, T-Visa or other eligible status for EA.
- Order of Release on Recognizance
- Verification of Release
- Order of Supervision which includes a photograph of the person

**Attachment E: Bridge Shelter Track Scope of Services, including Health, Safety, and Security Policies**

<https://www.mass.gov/doc/ea-shelter-scope-of-service-fy25/download>

## **Attachment F: Rapid Track Health and Safety Policies**

### **Program Plan Addendum: Health and Safety Policies**

#### **Overview**

The Contractor shall ensure that the policies and procedures described in this Program Plan Addendum are appropriately implemented and followed, including by ensuring *that all staff are appropriately trained and equipped to recognize and respond to health and safety situations including internal operational and response plans*, consistent with the terms of the Contract and all applicable federal and state requirements. The Contractor and staff shall adhere to established protocols provided by the Executive Office of Health and Human Services (EOHHS) (as detailed herein and in the Contract and Program Plan), ensure timely client connections to necessary services, and coordinate care between relevant agencies and/or facilities as the central point of contact for clients. Policies described in this Program Plan Addendum are intended to supplement and clarify existing Contract obligations.

*EOHHS has provided training, materials, resources, supports (including consultations), standard operating procedures (SOPs), and escalation protocols for the policies, services, and supports described herein. You are required to adhere strictly to these triage and escalation protocols, Critical Incident Report (CIR) requirements (including the CIR Form), and all other health and safety procedures outlined herein and otherwise issued by EOHHS including their 11 agencies and MassHealth. Modifications, additions, or the use of alternative tools or protocols are not permitted without prior written approval from the EOHHS Inter-agency Lead, Arianne Henry. If at any time, you need additional training or have questions about these policies, please contact the EOHHS lead, Arianne Henry.*

#### **Critical Incident Reporting (CIR) and Notifications**

Upon identifying a critical incident or escalating situation, including but not limited to the scenarios described in this Program Plan Addendum, staff shall follow the critical incident escalation protocol and notify the appropriate state staff according to the level of the incident (as described further in guidance provided by EOHHS) and the time to report. For all Level 1 issues, an oral report should be made immediately. Contractors are also required to provide a detailed plan of action and provide updates to the appropriate state staff at least every two hours—or sooner when new developments occur—until resolution is achieved. The Contractor must also prepare and submit to EOHHS a formal Critical Incident Report (CIR) as soon as possible. All CIRs must be submitted no later than 24-48 hours after the critical incident or escalating situation has occurred. Contractors are required to submit follow-up CIR(s) by submitting another CIR Form as additional events and/or information is available especially to document the resolution and root cause analysis including steps to take in future responses.

#### **Health and Safety Policy & Procedures:**

##### **1. Safe Sleep Practices**

- Provide safe sleep equipment (e.g., cribs, pack n' plays) for infants and toddlers.
- Train all clients on safe sleep practices to reduce risks of Sudden, Unexpected Infant Deaths (SUID).

## **2. Child Safety and Supervision**

- Staff must be aware of mandated reporter obligations and responsibilities relating to child abuse or neglect. Access the [Mandated Reporter](#) page for more information.
- Refer to the DCF triage & escalation protocols for additional information
- Ensure safe spaces for children, including childproofing measures and age-appropriate recreation areas.
- All families should designate an emergency contact and authorized babysitter/supervisor at time of intake of their children in case of emergency or medical need.

## **3. Critical Incident Reporting (CIR)**

- As detailed above, the Contractor is required to develop and maintain an internal protocol for documenting and promptly reporting critical incidents and escalating situations, including but not limited to injuries, safety threats, or health concerns and emergencies.
- Designate internal staff or staff teams who specialize in health & safety protocols and response to guide the CIR process and ensure that at least one specialized staff is onsite at all times. This designated team should also provide training and ensure staff are educated on and aware of the appropriate response protocols and who to contact internally among all staff in response to critical incidents and escalating situations.

## **4. Emergency Medical Response**

- Outline steps for your internal team on appropriately responding to medical emergencies, including providing first aid, contacting emergency services, and coordinating follow-up care.
- Refer to the DPH medical triage & escalation protocols for additional information including educating families on the appropriate level of care

## **5. Infection Control and Hygiene Standards**

- Implement measures to mitigate the spread of infectious diseases, provide access to hygiene facilities, and educate clients on preventive measures according to the DPH provided SOPs
- Refer to the DPH infectious disease SOPs for additional information

## **6. Domestic Violence and Sexual Assault Response**

- Establish internal protocols for identifying and responding to incidents of domestic violence or sexual assault (current or past) in accordance with EOHHS guidance.
- Facilitate referrals to specialized services as appropriate
- Refer to the DTA and DPH domestic violence and sexual assault triage and

escalation protocols for additional information

- Ensure confidentiality in accordance with Contract Appendix C.

#### **7. Behavioral Health Crisis Intervention**

- Provide the EOHHS protocols to your staff on managing mental health crises and connecting clients to appropriate crisis services.
- Create internal response processes for following the EOHHS guidelines
- Refer to the DMH behavioral health triage and escalation protocols for additional information

#### **8. Substance Use and Overdose Prevention**

- Provide referrals to substance use treatment.
- Ensure that an appropriate amount of naloxone is always on site in case of overdose.

#### **9. Suicide Prevention**

- Implement protocols for identifying and supporting clients at risk of suicide, including accessing crisis intervention through mobile crisis intervention (MCI).
- Do not establish protocols outside of the recommended behavioral health escalation pathway provided by DMH. You must contact the Behavioral Health Help Line (BHHL) and/or mobile crisis team whenever a client is a safety risk to self or others.

#### **10. Human Trafficking Identification and Response**

- Train staff to identify potential signs of human trafficking and follow the Attorney General's Human Trafficking Task Force protocols for reporting and referring victims for support.

#### **11. Facility Safety and Security**

- Ensure compliance with fire safety, building security, and emergency evacuation procedures.
- Have clear roles defined for security, including a protocol for when security personnel should intervene directly with a family or families

#### **12. Environmental Health and Safety**

- Identify and address hazards such as pests, mold, or structural deficiencies.

#### **13. Confidentiality and Consent**

- Protect client privacy and ensure compliance with all applicable privacy and confidentiality laws, including HIPAA, as required under Appendix C of the Contract.

#### **14. Trauma-Informed Care and Cultural Competency**

- Train staff to provide services using trauma-informed principles to promote safety, trust, and empowerment.

- Ensure services are provided in an equitable and culturally sensitive manner.

#### **15. Violence Prevention and De-escalation**

- Train staff to manage conflicts and prevent violence, with a focus on de-escalation techniques.
- Ensure security personnel are trained on de-escalation techniques
- Refer to the EOHHS Trauma-Informed De-escalation Training

#### **16. Food Safety and Nutrition Standards**

- Follow food handling and storage guidelines and ensure access to nutritious meals that meet dietary needs.
- Follow the recommended guidelines provided by DPH (available on the Provider Hub: [Food & Nutrition Best Practices for EA Providers.docx](#))

#### **17. Client Grievance Procedures**

- Establish a transparent process for clients to report concerns about other family guests, provider staff, state staff and/or vendors, with protections against retaliation.

#### **18. Disaster and Emergency Preparedness**

- Develop plans for managing large-scale emergencies, including evacuation protocols and continuity of operations including resource allocation, communication strategies, coordination with local, state, and federal agencies, and ensuring the safety and well-being of vulnerable populations.

#### **19. Privacy in Living Arrangements**

- Ensure privacy and dignity in shared living spaces.
- Address client issues such as harassment or boundary violations.

#### **20. Transportation Safety**

- Establish safe transportation guidelines for medical appointments, shelter transitions, or permanent housing including the use of age-appropriate car seats.
- Provide families with age-appropriate car seats if needed.

### **Compliance and Accountability**

The Contractor is responsible for integrating all of these policies into their daily operations and ensuring staff training and compliance. Regular training sessions, monitoring, and performance reviews should be conducted to maintain these critical standards. Non-compliance may result in the implementation of a performance improvement plan or other accountability measures.

### **Acknowledgment**

The Contractor agrees to adhere to these requirements as part of their program operations and ensure the safety and well-being of all clients.