

No. SJC-13513

**COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT**

ROSANNA GARCIA, et al.,

Plaintiffs-Appellants/Cross-Appellees,

v.

EXECUTIVE OFFICE OF HOUSING AND LIVABLE COMMUNITIES,

Defendant-Appellee/Cross-Appellant,

On Direct Appellate Review of a Judgment of the
Superior Court for Suffolk County

**BRIEF OF MASSACHUSETTS COALITION FOR THE HOMELESS,
FAMILY PROMISE NORTH SHORE BOSTON, WOMEN'S LUNCH
PLACE, AND ROSIE'S PLACE AS AMICI CURIAE IN SUPPORT OF
PLAINTIFFS-APPELLANTS AND CROSS-APPELLEES**

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Mass. R.A.P. 17(c)(1), amici curiae Massachusetts Coalition for the Homeless, Family Promise North Shore Boston, Women's Lunch Place, and Rosie's Place certify that they are all non-profit corporations and that they do not issue stock and do not have any parent corporations.

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ISSUE PRESENTED

In November 2023, this Court called for amicus submissions on the question “Whether the ‘Immediate Placement Clause,’ *see* St. 2023, c. 28, line item 7004-0101, bars the Executive Office of Housing and Livable Communities from denying emergency shelter to a homeless family based on the family’s inability to produce, at the time of applying for shelter, third-party verification of family relationship or identity.”

INTEREST OF AMICI CURIAE

Amici curiae Massachusetts Coalition for the Homeless, Family Promise North Shore Boston, Women’s Lunch Place, and Rosie’s Place (collectively, “Amici”) are four charitable organizations dedicated to addressing the needs of individuals suffering from homelessness in Massachusetts and thus have a unique interest in the issue presented in this case.

The Massachusetts Coalition for the Homeless is a statewide organization committed to addressing the unmet needs of the families, individuals, and youth experiencing homelessness and housing instability in the Commonwealth. The Coalition embraces a collaborative approach to unify people and mobilize resources to support that mission. Seen as a leader and expert in its field, the Coalition is called upon by peer organizations and state agencies to share its knowledge and expertise in addressing the impacts of homelessness and housing instability.

Family Promise North Shore Boston is an organization dedicated to preventing and ending family homelessness across the North Shore. It promotes access to economic opportunity and housing stability through a holistic, family-centered, and community-based response. Its services focus on homelessness prevention and shelter diversion case management for those families in Essex and Northern Middlesex Counties who are not eligible for the Commonwealth's emergency shelter assistance program, and on assisting families in navigating the state and local shelter, housing, and rental assistance resources available to those who are eligible for either emergency or nonemergency assistance.

Women's Lunch Place is a day shelter and advocacy center that every year serves more than 2,000 women experiencing hunger, homelessness, and poverty in the Greater Boston area. For over forty years, Women's Lunch Place has honored the dignity of the vulnerable women that it welcomes into its community. The individualized wrap-around services that Women's Lunch Place offers help support those experiencing homelessness in its community.

Rosie's Place was founded in 1974 as the first women-only shelter in the United States. What began as a safe place for poor and homeless women to get a bed and a meal in Boston has grown into a community center providing wide-ranging support, education, and outreach services to 12,000 women a year. Rosie's Place strives to provide a safe and nurturing environment that helps poor and

homeless women maintain their dignity, seek opportunity, and find security in their lives.

INTRODUCTION

Imagine you are a parent to a young child, and you find yourself without a safe place to spend the night. In desperation, you turn to the Massachusetts Executive Office of Housing and Livable Communities (“EOHLC”), the agency charged with implementing the Commonwealth’s emergency housing program—a program with a mandate to provide temporary emergency shelter to “needy families with children.” *See* G.L. c. 23B, § 30. Upon your arrival at one of EOHLC’s offices, an agency representative demands your child’s birth certificate as proof that you are a family. You do not have it with you. Perhaps you left home in a hurry to escape an abusive partner, or perhaps you have been homeless for some time and the document was lost in one of many moves. Without the birth certificate, the agency denies you a place to stay, and tells you to return when you have proof that the child you are with is in fact your child. What do you do in the interim, while you track down your child’s birth certificate? The answer for many home-insecure families in the Commonwealth is to return to a dangerous living situation or sleep in a makeshift shelter on the street, or in a car or rundown building.

This should not happen. In 2005, at the urging of a group of charitable organizations that included amicus Massachusetts Coalition for the Homeless, the

Massachusetts Legislature enacted the “Immediate Placement Clause,” which requires EOHLC to “immediately provide shelter for up to 30 days to families who appear to be eligible for such shelter ... but who need additional time to obtain *any* third-party verifications.” St. 2005, c. 45, line item 4403-2120 (emphasis added). As Plaintiffs explain in their briefs, the plain language of this statute means what it says: EOHLC may not require an applicant to provide *any* third-party verification of eligibility before providing initial 30-day emergency shelter—also known as “conditional shelter.” This includes verification of income eligibility and residency, as well as verification of family status and verification of identity when required as part of proof of family status. As Plaintiffs explain, EOHLC’s policy of requiring immediate verification of family status should be struck down because it is contrary to the plain language of the Immediate Placement Clause.

Amici, all of which are close to this issue in their work providing services to the homeless population in Massachusetts, write in support of Plaintiffs and to provide three points of additional insight that Amici hope will further illuminate the importance of this issue and the problematic nature of EOHLC’s policy.

First, Amici have seen firsthand how EOHLC’s policy harms homeless families, and for no good reason. Amici have repeatedly encountered desperate parents scrambling for emergency housing for themselves and their young children when EOHLC turns them away due to their inability to immediately prove that they

are a family. EOHLC justifies this harm by pointing to the supposed risk that ineligible families will obtain housing to which they are not entitled. But in Amici's experience it is extremely unlikely that homeless individuals would falsely present as a family as a ploy to obtain 30 days of shelter.

Second, EOHLC's policy has forced Amici to do work that EOHLC should be doing. When EOHLC rejects a family for conditional placement, Amici are sometimes called upon to help find temporary shelter and help track down missing documents. This is none of Amici's focus or mission, and their efforts to fill the gap created by EOHLC's illegal policy divert resources from the other critical work they do for the homeless population in Massachusetts.

Third, Amici write to highlight facts surrounding the passage of the Immediate Placement Clause in 2005. The Massachusetts Coalition for the Homeless was heavily involved with efforts to urge the Legislature to adopt the Clause in 2005. At the time, the Coalition explained to the Legislature in several communications that the agency's immediate verification requirement precluded *eligible* families from obtaining emergency housing. The Coalition urged the Legislature to conditionally place applicants in housing pending verification of all eligibility requirements, including the requirement to prove family status. In its communications with the Legislature, the Coalition did not distinguish proof of family status in any way from proof of other eligibility requirements, such as income

or residency. Nor does the Coalition recall any debate in 2005 about whether proof of family status should be considered separate from the other eligibility criteria with respect to requiring immediate verification. This Court has considered similar evidence in the past in interpreting state law, and should do so here, too.

BACKGROUND

In 1983, the Massachusetts Legislature enacted the Emergency Housing Assistance Program to provide “emergency housing assistance to needy families with children and pregnant wom[e]n with no other children.” G.L. c. 23B, § 30; St. 1983, c. 450, § 1. Under the “emergency assistance program,” homeless families who meet certain eligibility requirements may receive emergency housing assistance, including temporary shelter. *See* G.L. c. 23B, § 30(B). To be eligible, applicants must be families with children (or pregnant women), they must be “residents of the Commonwealth,” they must lack any “feasible alternative housing,” and they must have “incomes at or below 115 percent of the ... federal poverty level.” *See* St. 2023, c. 28, line item 7004-0101 (income); 760 Mass. Code Regs. § 67.02(1)(c) (residency); 760 Mass. Code Regs. § 67.06(1)(b) (no housing alternative).

The Legislature tasked a specific agency—which became the Department of Transitional Assistance (“DTA”), then the Department of Housing and Community Development (“DHCD”), and now EOHLC—with administering the program. This

task includes “verif[ying] ... all elements of eligibility,” so long as the “verification requirements” are “reasonable.” *See* G.L. c. 23B, § 30(B)(e). The statute does not specify at what point the agency can ask for such verification—*i.e.*, before or after housing a family in desperate need of shelter. DTA chose to ask for verification of all eligibility requirements before providing emergency shelter. *See* Add.040 (discussing denials based on “a lack of one or more verifications *at the time of application*”).

DTA’s policy created problems. Documents that prove eligibility—*e.g.*, tax returns, birth certificates, and papers showing residence—take time to assemble, especially for homeless families who have no secure place to store their belongings or who have run away from home in a hurry to escape an abusive or dangerous situation, without taking time to collect documents. Thus, before 2005 many eligible families were denied emergency housing due to their inability to immediately verify that they were eligible for temporary shelter. Charitable organizations concerned with homelessness in Massachusetts recognized this issue. They urged the Legislature to enact the Immediate Placement Clause, which would allow applicants to be conditionally housed for 30 days while they compiled the necessary documentation to prove their eligibility.

One of the organizations involved in the efforts to pass the Immediate Placement Clause was the Massachusetts Coalition for the Homeless, one of the four

Amici here. The Coalition wrote to the Legislature on several occasions to highlight the problems created by the agency's verification requirement. The Coalition stated that "one-third of the families ... denied access to shelter [we]re being denied due to a lack of one or more verifications" at the time of their application for emergency housing. *See* Add.037. The Coalition specifically listed verification of family status as one of the requirements that was preventing eligible families from obtaining immediate shelter. *See* Add.039 (referring to the requirement of verifying "Categorical Eligibility" based on family status). The Coalition urged the Legislature to "ensur[e] that eligible families are not turned away ... and left without a safe haven while they are gathering the documentation requested," even though doing so could potentially result in the agency providing "conditional shelter for 30 days" to those "ultimately ... deemed ineligible" for the emergency assistance program. Add.037, 042.

The Legislature adopted the Immediate Placement Clause in July 2005. The Clause stated:

[T]he department shall immediately provide shelter for up to 30 days to families who appear to be eligible for such shelter based on statements provided by the family and any other information in the possession of the department but who need additional time to obtain any third-party verifications reasonably required by the department.

St. 2005, c. 45, line item 4403-2120. The Immediate Placement Clause has appeared in the Commonwealth's budget every year since 2005. R.A. 37-38. It remains

largely the same today as originally enacted; it requires EOHLC to provide conditional shelter for 30 days to families who “appear” eligible based on their own statements or on information available to the agency, pending third-party verification of eligibility for a longer term shelter placement. *See* St. 2023, c. 28, line item 7004-0101.

In 2012, DHCD issued Housing Stabilization Notice 2012-18. R.A. 38. Under the notice, “a group applying for Emergency Assistance benefits must establish—at the time of application—that they are a family by providing third-party verification of each group member’s identity [and] relationship to one another.” *Id.* Without such proof, the applicants are deemed “ineligible for Emergency Assistance shelter and not provided an Emergency Assistance shelter placement.” R.A. 39. The agency also promulgated a regulation similarly stating that “[a] household must ... provid[e] basic verification of identity and relationship before it can appear eligible for placement.” 760 Mass. Code Regs. § 67.02(1)(c). In short, no immediate proof of family relationship, no conditional shelter placement.

In the 2012 notice, DHCD provided examples of documentation that would prove family status sufficiently to obtain conditional housing. *See* R.A. 42-50. The examples included original or certified copies of birth and marriage certificates and school records “that specifically indicate the relationship of [a] minor to the adult family members.” R.A. 48. Applicants can prove identity of the family members—

for example, to match the adult applicant to the parents listed on the child's birth certificate—with a state-issued license or ID card for adults, and, for children, an original letter signed by a school official with the name of the child and the child's primary caregiver. R.A. 44-47.

Plaintiffs brought this suit in 2016 to challenge several of DHCD's practices with respect to the emergency assistance program, including the immediate verification requirement laid out in the 2012 notice. Plaintiffs' Br. Add. 63. The Superior Court held that the agency's immediate verification requirement for family relationship is permissible and that the agency can also require third-party verification of identity as part of verifying family status. *Id.* at 80. The responsible agency, which is now EOHLC, continues to deny applicants conditional placements if they are unable to immediately verify that they are a family.

SUMMARY OF ARGUMENT

As Plaintiffs have explained, EOHLC's immediate verification requirement is impermissible under the Immediate Placement Clause, and the Superior Court's decision to the contrary is wrong under basic principles of statutory interpretation and agency deference. Plaintiffs' Br. 33-57. Amici write to urge the Court to reverse the Superior Court's decision and to provide three additional insights based on Amici's unique position providing services to the homeless population in Massachusetts and advocating for the Immediate Placement Clause in 2005.

I. EOHLC's requirement that a group of applicants verify family status before receiving conditional shelter inflicts devastating harm on a uniquely vulnerable subset of the homeless population with no justification. Amici have seen this harm firsthand. Unable to immediately provide proof of their family status, mothers and their children have been forced to sleep on the street, in their cars, or in other locations unfit for human habitation. EOHLC justifies this harm by arguing that its rule is needed to prevent non-families from obtaining shelter they are not entitled to. But it is unlikely that individuals would pose as a family to obtain emergency shelter. All EOHLC's policy does, then, is deny conditional shelter placements to eligible families. Moreover, any risk that an ineligible group would obtain a conditional placement is one that the Legislature accepted, at least to some extent, when it decided in 2005 to allow applicants to obtain shelter for 30 days pending verification of all eligibility requirements.

II. EOHLC's immediate verification requirement strains Amici's limited resources. The requirement has forced Amici to divert time and money away from their central missions and programs to assist individuals harmed by EOHLC's policy, including by finding shelter for homeless families denied conditional placements and helping families round up documents.

III. The Massachusetts Coalition for the Homeless was involved in lobbying the Legislature to adopt the Immediate Placement Clause; the Coalition

pitched the Clause to the Legislature as necessary to provide temporary relief to homeless families, without distinguishing between proof of family status and proof of other eligibility requirements. The Coalition argued that the agency's requirement of immediate verification of *all* eligibility requirements—including, *specifically*, family status—had prevented eligible families from immediately obtaining emergency shelter, which the Coalition argued was undesirable. The Legislature enacted the Immediate Placement Clause with that advocacy in mind. EOHLC's singling out of family status for immediate proof is in tension with that legislative history.

ARGUMENT

I. EOHLC's immediate verification requirement harms a uniquely vulnerable subset of the homeless population without legitimate justification.

Homeless individuals in Massachusetts are in an extremely precarious position. They lack secure housing, they are subject to the harsh reality of outdoor life in Massachusetts, and they are often without money for food and basic hygiene. The subset of the population subject to EOHLC's verification requirement—families with young children and pregnant women—is, for obvious reasons, acutely vulnerable. These families are often in highly precarious situations and are in need of immediate shelter for a variety of reasons—most commonly because they are fleeing domestic violence.

Here are examples from Amici's experience of how EOHLC's immediate verification requirement has harmed homeless families in Massachusetts (and how the policy is often implemented in arbitrary ways):

- A mother originally from Massachusetts moved to Florida with her two children and her husband. Her husband abused her. The husband returned to Massachusetts with the younger child, and the Department of Children and Families ("DCF") removed the child from the husband's custody. The mother then returned to Massachusetts with her older child, seeking custody of her younger child. DCF refused to give the mother custody of the younger child because the mother had no place to stay, which prompted the mother to seek emergency shelter for herself and her older child. EOHLC denied the family shelter because the mother could not immediately produce the child's birth certificate. The mother and child took refuge in a flophouse without running water or electricity. DCF then removed the older child from the mother's custody, on the ground that the living situation was inappropriate for the child. Ultimately, the mother entered a domestic violence shelter and then a transitional living program for domestic violence victims, without her two children.
- EOHLC denied a mother and child emergency housing because the mother was unable to immediately produce her own birth certificate, even though she was otherwise able to prove her identity. The mother and child resorted to sleeping in their car for several nights until they found the birth certificate.
- EOHLC refused to give a family emergency housing without immediate proof that they were a family, even though the family had been approved for federal benefits only available to families.
- EOHLC denied a mother and her child housing because the mother was unable to immediately produce the child's birth certificate, even though the mother had hospital records showing their relationship.

Ironically, these are *exactly* the kinds of stories that the Massachusetts Coalition for the Homeless highlighted for the Legislature in advocating for the

Immediate Placement Clause in 2005. The Coalition illustrated in a letter to the Legislature how the agency's requirement of immediate verification of eligibility often resulted in "families remain[ing] in unsafe conditions," despite their eligibility for shelter. *See* Add.040.

In particular, the Coalition described a situation in which a recently evicted family was denied emergency shelter because their "important papers" had been moved to an "undisclosed location" during the eviction. Add.040. The family was forced to relocate "from one doubled up situation to the next." *Id.* The Coalition described another example in which the agency denied a pregnant woman emergency shelter because she had no pay stubs to show income eligibility, even though she had a letter from her employer verifying her wages—an example similar to the two above in which EOHLC denied a family shelter for lack of a particular type of third-party verification of family status, despite other evidence that the requirement was satisfied. *Id.* Denied housing, these families were forced to "remain in unsafe conditions." *Id.* It was the need to avoid those kinds of situations that almost certainly drove the Legislature to adopt the Immediate Placement Clause. *See infra*, pp. 28-30. And yet, as Amici's experience illustrates, EOHLC's current verification requirement inflicts the *very same harms* that the Coalition complained of almost 20 years ago.¹

¹ EOHLC's verification requirement may also place a greater burden on families that

There is no strong justification for requiring applicants for emergency housing to immediately prove that they are a family, where other eligibility requirements do not require immediate proof. EOHLC has tried to justify the requirement as follows:

There have been a number of situations where groups of people have applied for EA who are not related, and therefore do not meet basic eligibility criteria, such as a family friend or babysitter who has been left in charge of children when the parent has returned to his or her native country. Concerns have been raised that an adult with no authorized relationship to a needy child, and possibly with an improper purpose, might seek to ‘hide’ in the shelter system if proper initial identification is not required.

R.A. 43. But in Amici’s experience, this is *extremely unlikely to occur*. While Amici have experienced instances in which extended family members of a child seek emergency shelter for themselves and the child, Amici have *never* encountered a situation in which unrelated individuals applied for emergency shelter under the guise of being a family, just to obtain shelter for 30 days. True, absent an immediate

belong to a racial or ethnic minority group, as they are less likely than white families to have the third-party verification documents that EOHLC will accept to prove family status. Cf. *Greater Birmingham Ministries v. Sec’y of State for State of Alabama*, 992 F.3d 1299, 1329 (11th Cir. 2021) (“minority voters are less likely than white voters to possess photo ID”); *Veasey v. Abbott*, 830 F.3d 216, 251 (5th Cir. 2016) (noting statistical evidence that “Blacks were 1.78 times more likely than Whites, and Latinos 2.42 times more likely, to lack ... ID”); *Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181, 221 n.25 (2008) (Souter, J., dissenting) (“Studies ... suggest that the burdens of an ID requirement may fall disproportionately upon racial minorities”); see also ACLU, Fact Sheet on Voter ID Laws (Aug. 2021), <https://www.aclu.org/documents/oppose-voter-id-legislation-fact-sheet> (“up to 13% of African-American citizens of voting age lack[ed] government-issued photo ID, compared to only 5% of whites”).

verification requirement, some ineligible individuals may slip through the cracks in the former scenario. But the alternative is to force children in need back onto the street and into vulnerable situations. And Amici are skeptical that the latter scenario would ever happen.

In any event, the risk that an ineligible non-family will receive conditional shelter pending verification of their family status is a risk that the Legislature accepted in 2005 when it required the agency to provide conditional housing pending verification of eligibility requirements. In 2005, in the debate surrounding the Immediate Placement Clause, the Coalition estimated for the Legislature the cost of providing 30 days of shelter to families who ultimately would be deemed ineligible for a longer-term shelter placement. *See* Add.042. The Legislature passed the Immediate Placement Clause *despite* that known risk. In the Coalition’s words, the Legislature’s enactment showed that it was “willing to pay th[e] price” of temporarily housing potentially ineligible families “to ensure that no eligible families who merely need additional time and assistance in obtaining verifications will be left without a roof over their heads.” Add.044. There is no reason to think that the Legislature was willing to take on the risk of a misrepresentation of income level but not the risk of a misrepresentation of family status—if anything, that an applicant might misrepresent income seems far more likely than that an applicant would misrepresent a relationship with a child.

Moreover, in Amici’s experience, there are many legitimate reasons why families lack immediate access to the types of documentation required to prove that they are a family.

First, families seeking emergency housing are often fleeing an abusive home life, have long suffered from homelessness, or have children not yet of school age. A birth certificate is far from front of mind for a parent fleeing an abusive partner. And even if parents fleeing violence *do* think to look for their child’s birth certificate, their abusive partners often take steps to deny them access. Parents who have been homeless for a long period of time also often lack immediate access to their documents, because they have misplaced them in one of many moves, or because they have been victims of theft on the streets or in shelters. And parents with young children who are not in school do not have immediate access to “[s]chool records ... that specifically indicate the relationship of the minor to the adult family members,” one of the ways in which they could meet EOHLC’s requirements. R.A. 48.

Second, homeless families are often unable to pay to replace missing documents. In Massachusetts, for example, a certified copy of a birth certificate costs up to \$62.50 to obtain, depending on the method of the request (*i.e.*, in person, online, over the phone, or via mail).² Similarly, obtaining or renewing identification

² See Registry of Vital Records and Statistics, Vital Records Service Fees (last visited Aug. 8, 2024), <https://www.mass.gov/info-details/vital-records-service-fees#certified-copies-of-birth,-marriage-and-death-records->. The story is similar

cards in Massachusetts costs \$25.00.³ This is not a small amount for a homeless family with no place to stay and children to feed. *See* ACLU, *supra* note 1 (“Underlying documents required to obtain ID cost money, a significant expense for lower-income Americans”).

Finally, obtaining new documentation of family relationship takes time and effort that homeless families in need of immediate shelter simply do not have. For birth certificates, most methods of request take between ten and twenty business days to process.⁴ While in-person requests are usually “[p]rocessed immediately,”⁵ that is of little help to a family in need of immediate shelter arriving at an EOHLC office just before closing time. Although families can expedite online and telephone requests (albeit for an additional charge), that means only that the birth certificate is “[p]rocessed and shipped the next business day,” with additional time between

nationwide, with each state requiring payment to obtain certified copies of birth certificates. *See* Ballotpedia, *How Much Does it Cost to Obtain a Birth Certificate?* (last visited Aug. 6, 2024), https://ballotpedia.org/How_much_does_it_cost_to_obtain_a_birth_certificate.

³ Mass. Registry of Motor Vehicles, *Apply for a Massachusetts Identification Card (Mass ID)* (last visited Aug. 6, 2024), <https://www.mass.gov/how-to/apply-for-a-massachusetts-identification-card-mass-id>; Mass. Registry of Motor Vehicles, *Renew your Massachusetts ID (Mass ID)* (last visited Aug. 6, 2024), <https://www.mass.gov/how-to/renew-your-massachusetts-id-mass-id>.

⁴ *See* Vital Records Service Fees, *supra* note 2.

⁵ *Id.*

shipping and receipt.⁶ For identification cards, it takes the Registry of Motor Vehicles between seven and ten days to “send [a] Mass ID to the mailing address on record.”⁷ Homeless families desperate for housing cannot afford even these relatively short delays.

* * *

In sum, EOHLC’s policy of requiring immediate verification of family status turns away eligible families on a technicality that finds no support in the Immediate Placement Clause itself. And it turns them away on a technicality that likely inflicts harm on the most vulnerable of homeless people: families whose situations have understandably left them without basic documentation of their family relationship.

II. EOHLC’s policy has forced Amici to divert their resources from other important programs to fill the void left by EOHLC.

EOHLC’s policy strains Amici’s limited resources. When EOHLC denies homeless families conditional shelter due to their inability to immediately verify their family status, they often turn to Amici for help. Amici feel the burdens of EOHLC’s policy in three primary ways.

First, Amici have devoted significant time and resources to helping families locate documents to prove that they are a family, in order to obtain temporary shelter.

⁶ *See id.*

⁷ Apply for a Massachusetts Identification Card (Mass ID), *supra* note 3; Renew your Massachusetts ID (Mass ID), *supra* note 3.

One advocate from Family Promise North Shore Boston spent two-and-a-half months helping a family that was eligible for emergency assistance track down proof of eligibility, at one point devoting a week of their full-time efforts to the task. Another advocate from Women's Lunch Place spent several hours per day over two-and-a-half weeks attempting to track down documents for a family who was wrongfully denied a conditional placement.

Second, Amici have helped applicants find temporary shelter when they are denied conditional shelter by EOHLC. For example, Women's Lunch Place helped the mother of two described above (*supra*, p. 18) secure a temporary placement in a domestic violence shelter. Women's Lunch Place has also covered the costs for homeless families to stay in hotels when EOHLC has denied them conditional placements. And EOHLC itself often refers families denied emergency shelter to Family Promise North Shore Boston for help obtaining shelter elsewhere.

Third, Amici have provided advocates to accompany homeless families applying for the emergency assistance program to help ensure that they are not wrongfully denied conditional placements. In Women's Lunch Place's experience, those efforts are more successful when done in person. But they are also time consuming, taking anywhere from two hours of an advocate's time to an entire day.

These efforts tax Amici's limited resources. Amici do not receive any funds that are specifically earmarked for helping families obtain emergency shelter

placements. The money and time Amici spend on such efforts is therefore money and time that could be spent on other programs important to Amici's core missions.

Family Promise North Shore Boston, for example, is focused on services for families who do not qualify for the emergency assistance program—for example, because their income level is too high. In the past, Family Promise provided shelter to such homeless families. If Family Promise provided shelter to families who met the emergency assistance program's requirements, but could not immediately prove it, that took beds and resources away from Family Promise's intended constituents. Currently, if Family Promise—a staff of only four—helps find shelter or locate documents for eligible families, that is time that it cannot spend on those who are ineligible but also in desperate need of help. And for every dollar that Family Promise devotes to addressing the fallout of EOHLC's verification requirement, that is one less dollar available for Family Promise's core efforts, which include providing financial assistance and case management to families ineligible for the emergency assistance program at risk of losing their homes or in desperate need of escape from uninhabitable or unsafe living situations.

The story is similar for the other three organizations. They, too, have programs devoted to missions other than helping families who are eligible for the emergency assistance program. The Coalition runs the “Casa Project,” which helps families remain stably housed by offering case-management, housing-search, and

landlord-tenant-mediation services so that they do not need to resort to the emergency assistance program in the first place. Women's Lunch Place provides homeless women with a comprehensive suite of supportive services—*e.g.*, nutritious meals, recovery programs, behavioral therapy, medical care, individualized advocacy services, and free medical care—all aimed at helping women in need become self-sufficient. For example, Women's Lunch Place offers a peer recovery program, which provides individually tailored services for people in recovery in a trauma-sensitive and person-driven manner. Rosie's Place serves homeless women three hot meals a day, provides one-on-one counseling services to assist with everything from looking for jobs or housing to obtaining medical care, and provides women at risk of losing their homes with advocates to identify what they need to remain stably housed, and obtain it. The money, time, and other resources that these organizations devote to families denied conditional housing for lack of proof they are a family take from these programs, too.

The Court should hold that the Immediate Placement Clause means what it says, require EOHLC to immediately house presumptively eligible families, and allow Amici to return to their core missions.

III. The debate surrounding the passage of the Immediate Placement Clause in 2005 supports Plaintiffs’ argument.

In 2005, when the Legislature was considering the Immediate Placement Clause, organizations including amicus the Massachusetts Coalition for the Homeless advocated for adoption of the statute to preclude *all* immediate verification requirements that could operate to prevent eligible families from being denied a safe place to stay, including verifications of family status. There was no discussion or debate at the time of any exception for family status. This legislative history supports Plaintiffs’ argument.

The relevant evidence is in the form of several communications sent by the Massachusetts Coalition for the Homeless to the Legislature in 2005. *See supra*, pp. 12-13. The communications argued that the agency’s policy of requiring immediate verification of eligibility accounted for one-third of the families denied shelter in the prior year. *See Add.037*. In complaining about this outcome, the Coalition did not distinguish proof of family status from proof of other requirements like income eligibility and Massachusetts residency. To the contrary, the Coalition *specifically identified* as problematic the agency’s requirement that families provide documents like photo ID and birth certificates—documents that go only to family status. *Add.039*. The Coalition pitched the idea of a 30-day conditional placement to “ensur[e] that *eligible* families [we]re not turned [away] ... and left without a safe haven while ... gathering the documentation requested.” *Add.037*. The Court

should consider these communications in interpreting the meaning of the statute. *See Fairhaven Hous. Auth. v. Commonwealth*, 493 Mass. 27, 31 (2023) (statutory language is to be “considered in connection with the cause of its enactment, the mischief or imperfection to be remedied and the main object to be accomplished”) (cleaned up).

Indeed, this Court has in the past considered similar sources—*i.e.*, documents that are not official legislative history in the sense of a speech by a legislator or a revision to a bill, but nevertheless provide context to the bill’s passage—as evidence of a statute’s underlying purpose and thus its meaning. *See Rosse v. Comm’r of Revenue*, 430 Mass. 431, 439 n.6 (1999) (Court “may turn to unofficial sources ... to gain a ‘contemporary understanding of the underlying purposes’ of the legislation”) (quoting *Kartell v. Blue Shield of Mass., Inc.*, 384 Mass. 409, 421 (1981)); *see also*, *e.g.*, *Emps. Int’l Union, Loc. 509 v. Dep’t of Mental Health*, 469 Mass. 323, 332 n.9 (2014) (same); *Massachusetts Bay Transp. Auth. v. Auditor of Com.*, 430 Mass. 783, 788 & n.5 (2000) (same). It should do the same here.

In *Rosse*, for example, the Court considered explanatory notes by a Boston Bar Association committee that “had assisted in drafting the precursor legislation” to the statute at issue. 430 Mass. at 438-439 & nn.6-7. Although the Court acknowledged that the notes were not part of the statute’s official legislative history, it nonetheless considered the notes as evidence of the “contemporary understanding

of the underlying purposes” of the statute. *See id.* at 439 & n.6. Similarly, in *Kartell*, the Court considered statements in a medical journal made by the Massachusetts Medical Society, even though the statements “d[id] not constitute formal legislative history,” because they nevertheless “shed light on the contemporary understanding of the” statute, as the Medical Society had initially proposed the legislation in question. *See* 384 Mass. at 420-421. While the statements could not “be taken as an indication of original legislative intent,” they could be used to show what “those familiar with the legislative scheme ... at its inception ... believed that it required.” *See id.* The Coalition’s statements in advocacy letters are similar to the statements by the Boston Bar Association and the Massachusetts Medical Society, and therefore they, too, shed light on the meaning of the statute eventually passed.

The Coalition’s communications to the Legislature in 2005 establish two important facts about the Immediate Placement Clause. First, it was passed on urging from organizations that the Legislature act to prevent eligible families who need additional time to obtain verifications from staying unsheltered while they do so. Second, there was no distinction at the time (in the letters or in the Coalition’s memory, from *any* other advocate or legislator) between verification of family status and verification of other requirements. Plaintiffs’ plain reading of the Immediate Placement Clause is consistent with this history.

CONCLUSION

The Court should hold that EOHLC may not deny a group of applicants emergency shelter based on their inability to immediately verify their family relationship.

Dated: August 16, 2024

Respectfully submitted,

/s/ Edwin Clarke

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CERTIFICATE OF COMPLIANCE

Pursuant to Rule 16(k) of the Massachusetts Rules of Appellate Procedure, the undersigned counsel states that this brief complies with the rules of court that pertain to the filing of briefs, including but not limited to Mass. R. App. P. 16, 17, and 20. This brief contains 5,949 words, excluding the parts of the brief exempted by Mass. R. App. P. 20(a)(2)(D). The brief has been prepared in a proportionally spaced typeface, 14-point Times New Roman font, using Microsoft Word 2010.

Pursuant to Mass. R.A.P. 17(c)(5), Amici declare that no party to the this case or their counsel authored this brief in whole or in part; that no party to the above-referenced case or their counsel, or any other person or entity, other than Amici and their counsel, contributed money intended to fund the preparation or submission of this brief; and that neither Amici nor their counsel have represented any of the parties to the above-referenced case in any proceeding or capacity.

Dated: August 16, 2024

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CERTIFICATE OF SERVICE

Pursuant to Mass. R. App. P. 13(d), I hereby certify, under the penalties of perjury, that on this date, I served a true copy of the foregoing document by causing it to be delivered by eFileMA.com to counsel of record who are registered users of eFileMA.com:

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ADDENDUM

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June 2, 2005

The Honorable Therese Murray
The Honorable Steven Panagiotakos
The Honorable Michael Knapik

The Honorable Robert DeLeo
The Honorable Marie St. Fleur
The Honorable Viriato deMacedo

**RE: FY'06 Conference Committee Budget
Emergency Assistance Line Item, 4403-2120
Senate Appropriation of \$73.6m and Line Item Language**

Dear Conference Committee Members:

On behalf of our agencies and low-income families across the Commonwealth, we thank you and your colleagues in the Legislature for your work to protect the safety net for families at-risk and experiencing homelessness. We are writing to request your support for the Emergency Assistance family shelter program, line item 4403-2120.

While both the House and Senate versions of the line item contain numerous positive changes, we ask that you **retain these key Senate provisions** in the Conference Committee budget:

Appropriation- We urge the Conference Committee to adopt the Senate's appropriation level of \$73.6 million. This would ensure that the account has sufficient funds to provide shelter and benefits to all eligible families, including those with incomes between 100-130% of the federal poverty guidelines and those who need immediate shelter placements while they gather the requested documentation.

Income eligibility change- We are grateful that both the House and Senate support a much-needed increase in the income eligibility limit for the Emergency Assistance program. We ask you to support the Senate language, which would allow families with incomes between 100-130% of the federal poverty guidelines to access shelter and related benefits as of July 1, 2005.

This change would help families such as that of Mr. Marsinelli, who spoke to legislators and aides at a recent State House event. After receiving custody of his preschool-aged daughter, he had to move out of the rooming house where he had been staying. Unfortunately, his Social Security benefits left him without enough money to rent on the North Shore, but also with slightly too much money to be eligible for the EA shelter program. An expanded income eligibility limit would provide shelter and security for more families in transition, like the Marsinellis.

30-day placements pending verification- DTA's own statistics show that one-third of the families who are denied access to shelter are being denied due to a lack of one or more verifications. This provision would ensure that *eligible* families are not turned away by the Department and left without a safe haven while they are gathering the documentation requested by DTA, such as hard-to-obtain letters from former employers and former landlords.

This language would require DTA to follow through on their *already existing obligations* to assist families in obtaining requested verifications and in informing families of their right to submit certain alternative, third-party, and self-verifications. At the same time, however, this proposal *would not* require DTA to place every family seeking shelter, but rather only those families who appear to be eligible based on the verifications the family is able to provide upon application and those verifications already present in DTA's own case files.

This change would help families such as that of “Olivia”, a pregnant woman who recently found herself without a home. After being forced to leave her mother’s house, she went to DTA seeking shelter. In her transition, she misplaced her latest pay stubs. Even though she provided DTA a signed letter from her employer stating her recent wages, the DTA worker told Olivia that she would have to wait until she found the pay stubs before receiving a shelter placement. With the help of advocates who knew that the letter should have been an acceptable form of alternative verification, Olivia was able to access shelter after a weeklong delay. Unfortunately, over 900 other families were turned away last year because of the verification burden.

Enforceable rights- While the House budget does not grant any enforceable rights to families beyond DTA’s regulations, the Senate budget recognizes these rights when the account is not in a deficiency. The Senate provision would give recourse to families who are being adversely affected by DTA’s failure to follow the requirements of the line item at times when the account is sufficiently funded.

Tracking and reporting- The data from previous *Quarterly Reports on the Emergency Assistance Program for Homeless Families* has been valuable in evaluating the strengths and weaknesses of how the EA program serves families in the midst of housing crises. We thank both the House and Senate for including strong language requiring the Department to expand their tracking and reporting on each family that applies for shelter and on each family exiting shelter. We ask you to adopt the Senate language, which includes additional language to require DTA to report an unduplicated count of families applying for shelter during the year, the number of families who are approved for shelter after an initial denial, and vital information on housing outcomes for families participating DTA-funded homelessness prevention initiatives. The additional tracking language would provide needed data that can inform legislative, administrative, and advocacy efforts to create a program that is more responsive to families’ needs.

60-day advanced notice- The additional 30 days of advanced notice that the Senate language would require is essential so that the Department of Transitional Assistance (DTA) does not rush into eligibility changes before seeking the input and assistance of the Legislature. The 60-day period (which was contained in both the House and Senate FY’05 budgets) would allow the Legislature time to take action to protect families in need of EA shelter and services.

We thank you for your consideration of these matters, and for your efforts to strengthen the safety net for families in need.

Sincerely,

Robyn Frost
Executive Director
Massachusetts Coalition for the Homeless

Steve Valero
Attorney
Greater Boston Legal Services

Stephanie Brown
Executive Director
Homes for Families

Ruth Bourquin
Attorney
Massachusetts Law Reform Institute

Sue Heilman
Executive Director
Horizons for Homeless Children

The Verification Burden Placed Upon Families Applying for Emergency Assistance Shelter

Families applying for Emergency Assistance (EA) through the Department of Transitional Assistance (DTA) must provide numerous verifications in order to be deemed eligible for shelter benefits. Families must prove their categorical, financial, and circumstantial eligibility. DTA requires the following documents as proof of eligibility:

Categorical Eligibility

Eligibility Condition	Verification Required
- Family must have children under the age of 21, with the adult family members being the parent, step parent, or guardian relative of the child(ren) (At DTA's discretion, other family members may be allowed to access shelter with the family); OR - Pregnant woman (and her spouse) with no other children	☐ Proof of identity (for example, driver's license or birth certificate) ☐ Birth certificates for children <i>Other verifications often requested:</i> ☐ Marriage certificate, as applicable ☐ Adoption certificate or guardianship documentation, as applicable
At least one family member (parent or child) must be a citizen or lawful resident	☐ Letter from medical personnel, verifying pregnancy ☐ Marriage certificate, as applicable ☐ Social security numbers ☐ Immigration documentation verifying that family member(s) is in an accepted legal status

Financial Eligibility

Eligibility Condition	Verification Required
Family's gross income must be within 100% of the federal poverty guidelines (<i>For 2005, the poverty guideline is \$1,613/ month and \$19,350/ year for a family of four</i>)	☐ Pay stubs for last 4 weeks of work ☐ Award letters from cash benefit programs, such as TAFDC, SSI, and EAEDC
Family cannot have more than \$2,500 in countable assets (The equity value of a family's vehicle in excess of \$5,000 or fair market value above \$10,000 counts towards this limit)	☐ Current bank statements ☐ Statements showing any stocks, bonds, properties owned by the family, as applicable ☐ Vehicle information, as applicable

Circumstantial Eligibility

Circumstance	Verification Required
<i>If family has housing, but has to leave because of:</i>	
Natural disaster	☐ Verification of inhabitability by Red Cross, fire or police departments
Eviction or foreclosure	☐ Judgment for possession / foreclosure; proof that landlord refuses to renew the lease (DTA will not provide shelter until day of actual execution)
Threat to health and safety	☐ Proof of severe, <i>uncorrected</i> violations of state sanitary code, verified by Board of Health or code enforcement agency ☐ Proof of overcrowding under state sanitary code, as verified by Board of Health ☐ Proof of immediate threat to health and safety as assessed and verified by DTA or Housing Assistance Provider
Mistreatment or abuse	☐ Written statement from agency worker providing services to the family or a signed statement by applicant describing the nature of mistreatment or abuse

• Serious medical condition	❑ Signed statement from medical authority outlining nature of medical condition and need for family to move for medical reasons
<i>If family was in shelter within the last twelve months and:</i>	
• Left for housing that was unaffordable/ unsafe at the time the family moved	❑ Proof that housing was unaffordable or unsafe (such as lease and income information or proof from Board of Health)
• Left for temporary housing	❑ Signed copy of the DTA Temporary Emergency Shelter Interruption statement
<i>If family was offered shelter within the last twelve months and:</i>	
• Was unable to accept placement due to transportation issues	❑ Proof that family had transportation problems
<i>All families, including those who currently are without shelter and those who are doubled up:</i>	
• Proof that there is nowhere else that the family can stay	❑ "Kick out" letters (or phone calls) from family and friends saying that they cannot provide shelter to the family

According to DTA's own statistics (as reported in their quarterly reports on the Emergency Assistance program), over 900 families with children were denied access to shelter during 2004 due to a lack of one or more verifications *at the time of application*. Many more families remain in unsafe conditions as they await approval for EA benefits. These families include:

- "Shanta's" family: Shanta and her children were doubled up on the South Shore, but had to leave their housing situation when the abuser who had sexually assaulted her returned to the home. Shanta brought her children to stay with friends in the Greater Boston area. When she applied for EA in Boston, she was told that she had to return to her local DTA office on the South Shore. With the advice and assistance of advocates, Shanta convinced the DTA worker in Boston to take her application, and send the information to the other office. The worker initially insisted on receiving new copies of paperwork that already was contained in her file at the other office. Eventually, Shanta and her children were placed when she advised the DTA worker that the missing verifications could be found in her cash assistance file.
- "John and Diana's" family: John and Diana were evicted from their market rate rent home, and the constable removed their belongings. They tried to access EA shelter but lacked the documentation required by DTA, as the constable moved their important papers and other possessions to an undisclosed location. When the DTA worker refused to accept self-verifications, the family began the process of relocating their family from one doubled up situation to the next. After months of trying to find out where their belongings and important papers were being held, the family now plans on reapplying for shelter.
- "Olivia": Olivia is a pregnant woman who recently found herself without a home. After being forced to leave her mother's house, she went to DTA seeking shelter. In her transition, she misplaced her recent pay stubs. Even though she provided DTA a signed letter from her employer stating her recent wages, the DTA worker told Olivia that she would have to wait until she found the pay stubs before receiving a shelter placement. As the letter should have been an acceptable form of alternative verification, Olivia worked with the Coalition and legal services to gain access to an EA bed.

For more information, please contact Leslie Lawrence, Massachusetts Coalition for the Homeless, at 781-595-7570 x16 or Elaine O'Reilly, Governmental Strategies, at 617-523-7808 x124.

Emergency Assistance Family Shelter (Line Item 4403-2120)

Budget Request and Cost Estimates for Improving Access to Shelter for Homeless Parents and their Children

The Massachusetts Coalition for the Homeless urges the House and Senate conferees to adopt the Senate version of the Emergency Assistance Family Shelter Line Item in the Final FY'06 budget.

FY'05 Appropriation:	\$73.6 million
DTA's Projection of Actual FY'05 Spending: <i>(DTA estimates that it will have an \$11.3 million surplus in the EA Family Shelter Account in FY'05)</i>	\$62.3 million
House's Final FY'06 Budget The House budget raises the income eligibility limit to 130% of the federal poverty line as of <u>January 1, 2006</u> . It does not include language providing for placement in shelter pending verifications. According to MCH's cost projections (outlined below), even the House appropriation level would be sufficient to cover the proposed changes from the beginning of the fiscal year.	\$72.6 million
Senate's Final FY'06 Budget The Senate budget raises the income eligibility limit to 130% of the federal poverty line as of <u>July 1, 2005</u> . The Senate budget also includes language directing DTA to place eligible families in shelter for up to 30 days pending verifications.	\$73.6 million

Projected Cost of Proposed Changes

Cost of Increasing the Income Eligibility From 100% to 130% of the Federal Poverty Line: <i>(from \$19,350/year to \$25,155/year for a family of four for 2005)</i>	\$ 4.0 million
Cost of Requiring DTA to Place Otherwise Eligible Families in Shelter for 30 Days Pending Verifications:	\$ 5.4 million
Total Cost of Changes:	\$ 9.4 million
Total FY'06 Appropriation Needed: (based on projected FY'05 spending)	\$71.7 million

For more information contact: Leslie Lawrence, Massachusetts Coalition for the Homeless, 781-595-7570 x16 or Elaine O'Reilly, Governmental Strategies, 617-523-7808 x124.

May 9, 2005

Detailed Breakout of the Costs of Proposed Changes

Cost of Increasing the Income Eligibility Limit to 130% of the Federal Poverty Line:

Number of Additional Families Provided Shelter	Approximately 200 families /year
	(DTA's tracking reports show that an average of 18 families/ month are denied because of income -- not all these families will meet the new income limits or other eligibility rules).
Average Cost of Shelter/Night (as of 12/04)	\$103/day
Average Length of Stay	196 Days
Total Cost of Restoring Income Limit to 130% of Federal Poverty Line:	\$4.0 million (200 families x \$103/day x 196 days). The costs for FY'06 will be less than this since shelter costs for families placed late in the FY will actually be accrued in FY'07.

Cost of Providing Shelter for Homeless Families for 30 Days Pending Verifications:

Description of Costs	Estimated # of families	Calculations	New Cost
32% of the families denied shelter are denied because they are missing one or more verifications. (Based on data in DTA's quarterly tracking reports)	934 families/year	-----	-----
Assumption: 50% of the families currently denied due to verifications, reapply and are approved for shelter. The costs for sheltering these families are already included in the current EA appropriation. (Based on MCH and legal services advocacy experience helping homeless parents obtain shelter.)	467 families/year	467 families x \$0 in new costs	\$0
Assumption: 25% of families who are currently denied due to verifications, will ultimately be deemed ineligible for shelter but will have received conditional shelter for 30 days.	233.5 families/year	233.5 families x \$103/night x 30-day conditional stay,	\$721,515
Assumption: 25% of the families who are currently denied shelter due to verifications are in fact eligible for shelter but are discouraged from reapplying after their initial denial. These families will now access shelter immediately and stay for the average length of stay.	233.5 families/year	233.5 families x \$103/night x 196 days (includes 30-day conditional stay).	\$4,713,898
Total new costs			\$5,435,413 The costs for FY'06 will be less than this since shelter costs for families placed late in the FY will actually be accrued in FY'07.



Massachusetts Coalition for the Homeless

A statewide membership organization dedicated to ending homelessness

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October 12, 2005

Mr. John Shirley
Director of Housing and Homeless Services
Department of Transitional Assistance
600 Washington Street
Boston, Massachusetts 02111

By Mail and By Fax

Re: Comments on Proposed Regulations for Temporary EA Placements Pending Verification

Dear Mr. Shirley:

I am writing on behalf of the Massachusetts Coalition for the Homeless and our members in response to the Department's proposed amendments to the Emergency Assistance regulations regarding placements pending verification for families in need of shelter.

Looking at the data from the Department's tracking reports on the Emergency Assistance program for 2004, we were shocked to see that more than one-third of families denied access to shelter were turned away because they lacked one or more of the requested verifications at the time of application. To address this, the Coalition worked diligently to encourage the Legislature to include language in the FY'06 budget to authorize temporary placements for families who appear to be eligible but are unable to provide all of the requested verifications at the time of application. In their inclusion of this language, Legislators understood the need for a safe harbor for families who have nowhere else to stay while they are gathering the requested documents to complete their EA application.

We are pleased that the Department has begun to implement this line item requirement, thereby allowing more families to access shelter immediately while they collaborate with their DTA worker to obtain the missing documentation. At the same time, **we are very concerned that the Department seeks to apply the "12-month rule" to families who receive a temporary placement while they complete the application process.**

In examining the proposed regulatory amendments, as issued on September 23, 2005 for public comment, as well as Field Operations Memo 2005-38, it is clear that the Department is inconsistently treating these families as both applicants and recipients. While families who are deemed ineligible during the 30-day period will receive denial letters, the Department will treat them the same as families terminated from shelter in terms of reapplication rights, prohibiting their re-entry into shelter for 12 months from the date of denial. Simultaneously, the regulations emphasize that the Department intends to treat these families as mere applicants in terms of appeal rights, prohibiting these families from receiving aid pending the outcome of an appeal hearing.

Comparing the Department's implementation of placements pending verification and the legislative language included in the FY'06 budget, we view the application of the 12-month rule to families who may receive as little as one night of shelter while they complete the verification process as punitive. In promoting this program change, the Coalition understood that some families receiving temporary placements would be ineligible for ongoing shelter placements, and that the costs incurred by sheltering these families would be new costs for the program. We see the Legislature's act of fully funding the EA program after a large reversion to the General Fund in FY'05 as evidence that legislators are willing to pay this price to ensure that no eligible families who merely need additional time and assistance in obtaining verifications will be left without a roof over their heads. This language should not be used to penalize families who may apply for shelter because they have no feasible alternative housing, but who ultimately are ineligible because they cannot meet the myriad entrance eligibility requirements.

As written by the Legislature, the line item language only obligates the Department to provide temporary placements for families who *appear to be eligible*. Recognizing the Department's discretion in approving families for placements pending verification, the Department must bear some of the responsibility if a family later is deemed ineligible for ongoing EA benefits. If the Department provides shelter to a family, who in good faith believes they may be eligible for shelter, this family should be able to reapply for and receive shelter as soon as they can meet the eligibility requirements. (This does not mean that the Department should not have recourse against families who knowingly provide false information in order to receive a temporary placement.)

We hope that the Department will reconsider this policy before finalizing the new regulations, so that a family denied ongoing EA benefits after receiving a placement pending verification will be eligible for a new placement when and if they subsequently become eligible. We also encourage the Department to continue to actively assist families in obtaining the needed documents to prove ongoing eligibility, and to inform families of all acceptable forms of verifications, including self-statements and alternative third-party documentation.

Thank you for this opportunity to respond to the proposed regulations, and for your consideration of these comments.

Sincerely,

Kelly Turley
Benefits Policy Coordinator