

Summary of Process Related to the Proposed Regulations for the Emergency Assistance Program in Fiscal Year 2013

September, 2012

The Patrick-Murray Administration is committed to improving the way in which the state responds to homelessness and the scarcity of affordable housing in Massachusetts. Accordingly, in Governor Patrick's FY13 Budget proposal, the Administration targeted Emergency Assistance (EA) and HomeBASE to families who are in emergency situations, and reinvested new funding into community-based homelessness prevention and extremely low income housing programs, including Residential Assistance for Families in Transition (RAFT), Massachusetts Rental Voucher Program (MRVP), and public housing.

Throughout the budget process, the Administration worked with partners in the legislature to refine these reforms. The budget signed by the Governor on July 8, 2012 made these reforms law. As mandated by the legislation, DHCD has updated its regulations and guidance to better serve families here in the Commonwealth.

In brief, the legislation creates four categories of eligibility, and requires that EA recipients are residents of the Commonwealth. The four eligibility categories, identified in the line item language, target aid to those low-income families (115% of the federal poverty guideline) who are in immediate need of shelter, and include: victims of domestic violence; families displaced by fire, flood, and natural disaster; families evicted through "no fault of their own" or with an excused-fault eviction; and those living in a situation that presents substantial health and safety risks to the family. These categories are further defined in the proposed regulations.

In crafting the regulations, DHCD consulted with state government partners, including Department of Transitional Assistance, Department of Children and Families (DCF), the Interagency Council on Housing and Homelessness and the Governor's Council on Domestic Violence and Sexual Assault. DHCD drew on current and best practices, and a legal analysis to define terms appropriately.

For the category of eligibility that relates to significant health and safety risk, DHCD relies on the Health and Safety Assessments conducted by trained social workers from DCF. This process is meant to give families access to trained professionals who can not only make a risk assessment relative to a housing situation, but can also help families overcome difficulties in their present housing situation that might result in their remaining in housing rather than resorting to shelter.

DHCD and DCF staffs were trained on all the new procedures and began to implement the new Health and Safety Assessment in relation to EA eligibility on August 6, 2012. This Emergency Regulation became effective following a 15 day legislative review period as required by law.

All other regulations went into effect on September 17, 2012, following the 60-day legislative notification period with the submission of an Emergency Regulation. Prior to the filing of the Emergency Regulation, the Administration had an on-going dialogue with the legislature and made a number of changes to the original drafts of the regulation and guidance presented on July 17th, 2012. The Emergency Regulation that was filed on September 17 included the changes the Department adopted as a result of this legislative review process.

Upon filing of the Emergency Regulation they are in effect immediately. However, there is a 60 day comment period to provide an additional opportunity for public comment. DHCD has scheduled two public hearings to be conducted in October in Boston and Springfield.

During this period before the Regulations become final, DHCD is closely monitoring the activities in all the field offices to ensure that the new regulations are being implemented consistently and compassionately.