HOUSE DOCKET, NO. 2046 FILED ON: 1/20/2011

HOUSE . . . . . No. 2118

The Commonwealth of Massachusetts

PRESENTED BY:

Carlos Henriquez

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to eliminating homelessness. .

PETITION OF:

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

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HOUSE . . . . . No. 2118

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

The Commonwealth of Massachusetts

An Act relative to eliminating homelessness. .

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

SECTION 1. Chapter 18 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after section 2A the following section:-

Section 2B. (a) The department shall offer and provide a housing stability screening to applicants and recipients of services and benefits provided by the department, including but not limited to those applicants and recipients of food stamps, transitional aid to families with dependent children, and emergency aid to the elderly, disabled and children, to determine whether the applicants and recipients are in a stable housing situation or are at-risk of homelessness within the next 12 months. Said screenings shall be offered at the time of application for assistance, at the time of a recertification or eligibility review, and before termination of assistance by the department. The screenings shall also be available on a walk-in basis at the offices of the department and the availability of said screenings shall be publicized in each local department office.

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

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

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

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

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

49 SECTION 4. Notwithstanding any general or special law to the contrary, with respect to
50 the programs of emergency aid to elders, disabled and children under chapter 117A of the
51 General Laws and transitional aid to families with dependent children under chapter 118 of the
52 General Laws, the department of transitional assistance shall treat as non-countable with regard
53 to any maximum countable resource limits and the lump sum income rule up to $10,000 that has
54 been expended or is placed in an Individual Asset Account for later expenditure for costs related
55 to education or training, transportation to work or to other activities of daily living, obtaining or
56 retaining or maintaining housing, debt reduction, starting a business, health care, basic
57 household necessities, or other responsible expenses as identified by the department.

58 SECTION 5. Notwithstanding any general or special law to the contrary, the department
59 of transitional assistance shall each month deposit into escrow accounts for the benefit of
60 homeless individuals and families receiving assistance under the program of emergency aid to

61 elders, disabled and children, pursuant to chapter 117A of the General Laws, or receiving
62 assistance under the program of transitional aid to families with dependent children, pursuant to
63 chapter 118 of the General Laws, an amount equal to the amount by which the department
64 reduces the grants of said individuals and families due to their lack of shelter expenses. Such
65 escrowed funds shall be available to such individuals and families to obtain and retain permanent
66 housing and to remove barriers to obtaining and retaining housing and shall not be countable
67 toward otherwise applicable asset limits.

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

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

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

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

125 SECTION 9. The Executive Office of Health and Human Services, Executive Office of
126 Housing and Economic Development, the Executive Office of Public Safety and Security, the
127 Executive Office of Elder Affairs, the Executive Office of Veterans Services, the Department of
128 Housing and Community Development, the Department of Transitional Assistance, the
129 Department of Developmental Services, the Department of Mental Health, the Department of
130 Children and Families, the Department of Public Health, the Department of Correction, the
131 Massachusetts Rehabilitation Commission, Massachusetts Commission for the Blind,
132 Massachusetts Commission for the Deaf and Hard of Hearing, the Massachusetts Housing
133 Finance Agency, the Massachusetts Housing Partnership and the Community Economic
134 Development Assistance Corporation shall develop and execute a memorandum of
135 understanding which shall include an action plan to identify and resolve barriers to
136 comprehensive institutional discharge planning in order to prevent discharges of clients into
137 homelessness or emergency shelter. The memorandum of understanding and action plan shall
138 include a study of existing discharge planning processes in state institutions and state-funded
139 institutions, in addition to the provision for discharge planning in state accreditation processes

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

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

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

176 (b) a comprehensive review all applicable laws and regulations, plans and policies
177 governing the aforementioned housing programs and identify barriers to housing a greater
178 number of those who are homeless or at-risk of homelessness through these housing programs,

179 including, but not limited to existing tenant-selection policies established under section 32 of
180 chapter 121B or otherwise, procedural barriers, including but not limited to the availability of
181 electronic funds transfer arrangements, domestic violence status, witness status, and the ability of
182 applicants to designate a third party to receive notices regarding their application;

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

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

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

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

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

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

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

209 The department shall file a report detailing its review and recommendations, along with
210 drafts of any policy or regulatory changes made, or legislation filed, as a result of this study, as
211 well as legislative proposals to implement the recommendations, with the Governor, Lieutenant
212 Governor, the Joint Committee on Housing, and the clerk of the senate and the clerk of the house
213 of representatives no later than October 1, 2011.

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

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