

Part 8 Emergency Assistance

110 What is Emergency Assistance (EA)?

Emergency Assistance (EA) pays for

- emergency shelter, *and*
- help with looking for housing for families in emergency shelter. 106 C.M.R. §§ 309.039, 309.040 and DTA Field Operations Memo 2007-46 (Sept. 17, 2007).

EA can also help families in shelter cover costs of moving to permanent housing. See **Question 121**.

111 Who is eligible for EA?

EA provides shelter-related benefits to

- families with a child under age 21, including parents, stepparents, or other relatives who are primary caretakers of the child; and
- pregnant women at any stage of pregnancy (once verified), and the pregnant woman's husband. 106 C.M.R. § 309.020.

Advocacy Reminders:

- ✓ You need not be eligible for TAFDC in order to receive EA benefits.
- ✓ A grandparent who lives with her adult child and grandchildren may not be eligible for shelter with the rest of her family. Check with an advocate if your household includes other relatives who need emergency assistance.

112 Can you get EA if you are not a citizen?

In addition to the categories of non-citizens eligible for TAFDC (see **Question 8**), EA is available to otherwise eligible lawful permanent residents and persons residing in the U.S. under color of law. If any member of the household has one of these statuses or is a citizen, the entire household is eligible. 106 C.M.R. § 309.020(G).

113 What is the EA income limit?

For applicants. To be eligible for Emergency Assistance as an applicant, your family's gross monthly income must be no more than 130% of the federal poverty limit for your family size. 106 C.M.R. § 309.020(E). These limits go up slightly in January or February each year. As of January 2008, the EA eligibility standards were:

Household Size	EA Eligibility Standard
1	\$1,127
2	\$1,517
3	\$1,907
4	\$2,297
5	\$2,697

6	\$3,076
7	\$3,467
8	\$3,857
Each additional	\$ 390
Remember: These limits increase each January or February.	

EA looks only at gross income before deductions, *not* net income. 106 C.M.R. § 309.020. If you expect your income to go down, DTA should use the best estimate of income for the next month. 106 C.M.R. § 702.920.

The income of family members applying with you counts if it would be countable for TAFDC. See **Questions 66** and **67**. In addition, TAFDC, EAEDC and SSI are countable income for EA, as well as child support that you actually receive. Other income that is not counted for TAFDC does not count for EA. 106 C.M.R. § 309.020(E). If you are staying temporarily with relatives who are not a regular part of your household and they are not seeking shelter with you, their income does not count.

For families in shelter: If you are in EA shelter and your income goes over the EA eligibility standard, you can continue to receive shelter benefits for six months unless you become ineligible for another reason. To receive shelter benefits for the next six months, you

- must report your income every month,
- must save the amount by which your income exceeds 130% of the federal poverty limit (this is in addition to what you must save under your EA Self-Sufficiency Plan; the savings do not count in figuring TAFDC or food stamp–SNAP–eligibility),
- may not withdraw the saved money until you leave shelter (except to pay costs directly related to getting permanent housing),
- must follow all the other EA and shelter rules. 106 C.M.R. § 309.020(E).

In special situations, DTA may extend your EA benefits beyond the six months. 106 C.M.R. § 309.020(E). Ask your DTA worker if you need more time to find housing.

Advocacy Reminders:

- ✓ You can have too much income for TAFDC and still be eligible for EA.
- ✓ Before using any of the saved money, ask DTA or an advocate if the spending is allowed.
- ✓ Lump sum income does not cause a period of ineligibility for EA. See 106 C.M.R. § 309.020(E). Compare **Question 82**.

114 What are the asset rules for EA?

The asset limit for EA is \$2,500, the same as for TAFDC. See **Question 63**.

You are not eligible for EA if you transferred property within the previous year to become eligible for EA, 106 C.M.R. § 309.020, but the TAFDC transfer of asset rules do not apply. If you transferred property within the previous year for reasons other than to become eligible for EA, the transfer is not disqualifying. Compare **Question 64**.

115 How do you qualify for emergency shelter?

To be eligible for emergency shelter you must show that

- You have ***no current housing*** (family and friends have to say they will not take you in), ***or***

- Your *current housing is not “feasible”* for one of the following reasons:
 - you are currently staying somewhere, but cannot stay for more than a week (but DTA can wait to place you until you are no longer able to stay where you are),
 - your former landlord has a judgment for possession, for example, because you were evicted or a lease expired (verify with court documents or expired lease),
 - you or your children experienced mistreatment or abuse in your current living situation (verify with a social worker statement or your own written statement),
 - you need to relocate because of a severe medical condition (verify with doctor’s statement),
 - a disaster, for example, a fire (verify with fire, police or Red Cross report, or Red Cross oral statement pending report),
 - severe health code violations or overcrowding (verify with Board of Health), *or*
 - the housing presents a threat to health or safety (verify with assessment obtained through DTA). 106 C.M.R. § 309.040.

Advocacy Reminders:

- ✓ If you have no current housing, you do not also have to show that you do not have “feasible” housing.
- ✓ Tell your family and friends that DTA may call them to find out if you can stay with them. DTA may deny you shelter if your family or friends say you can stay with them.
- ✓ DTA may not deny you shelter just because you do not have the required verification. If you appear to be eligible based on your own statements and other available information, DTA must place you in shelter and give you 30 days to get the verification. 106 C.M.R. §

309.040(A)(3). If you need help getting a verification, your DTA worker should help. See **Question 101**.

- ✓ If you go to DTA for shelter, DTA should take your application right away. If DTA tries to send you away without taking your application, contact an advocate.
- ✓ If you go to DTA for shelter but DTA says you are not eligible, DTA should give you a written denial notice that you can appeal. See **Question 120**.

116 Where can DTA place you?

If you qualify for emergency shelter, DTA can place you

- in a family shelter, *or*
- another DTA-approved temporary shelter (such as a hotel or motel) if no family shelter is available. If you are placed in a hotel or motel, DTA can transfer you to a family shelter as soon as space is available. 106 C.M.R. § 309.040(C).

DTA may be able to place an adult child (18 or older) or a second parent in a separate shelter and possibly in a shelter for single adults. 106 C.M.R. § 309.040(C).

DTA must place you in a shelter within 20 miles of your home community *if* there are any openings in the area. If you are placed more than 20 miles from your home community, DTA must transfer you to a family shelter within 20 miles of your home community as soon as there is an opening, unless you do not want to move. 106 C.M.R. § 309.040(C).

If you are a teen parent or pregnant teen under age 20 receiving TAFDC, DTA will place you in a teen living program instead of a family shelter unless there is no teen living program available. See **Questions 14-15**. DTA cannot refuse to provide emergency shelter for a pregnant or parenting teen if a teen living program space is not available. See **Question 118** on when DTA may try to deny emergency shelter to a teen.

If DTA thinks you have a substance abuse problem, DTA may refer you to the Department of Public Health for placement in a substance abuse shelter or in other temporary housing if a family substance abuse shelter is not available. 106 C.M.R. § 309.040(C).

DTA may place you in an “intake center” for a while and then move you to another shelter. DTA can also transfer you to another shelter if DTA thinks it would be “efficient” to transfer you. 106 C.M.R. § 309.040(D).

Advocacy Reminders:

- ✓ DTA is supposed to make every effort to insure that children in shelter can continue going to school in their home communities. If you want to be placed so your children can continue going to school in their home community, make a written request to the local DTA office and call DTA Central’s housing unit, 617-348-5330.

- ✓ DTA must take into account disability-related reasons why you need to be placed near your home community, or why you need a particular type of shelter. For example, if you or a member of your family uses a wheelchair, DTA must provide a wheelchair-accessible shelter. If a family member has mental health problems and needs privacy, DTA should place you in a shelter that provides more privacy. See **Question 25** for more information about the Americans with Disabilities Act.

- ✓ DTA should also take into account medical or job reasons why you need to be placed near your home community. If possible, make a written request explaining the reasons to DTA.

- ✓ Even if you think you have good cause for refusing a shelter placement that DTA offers (either as an initial placement or as a transfer), you should accept the placement if at all possible and then appeal the placement to avoid being terminated and barred from shelter for 12 months. See **Question 118**.

117 How long does it take to be placed in emergency shelter?

If you have no place to stay or you need to leave your current housing for medical reasons, mistreatment, or sanitary code violations certified by a board of health, you should be placed immediately. 106 C.M.R. § 309.050. See **Question 115**.

If you have a temporary place to stay but you think it is unsafe, DTA has 7 days to do a health and safety assessment. If it is unsafe or DTA fails to do the assessment within 7 days, you have a right to be placed in shelter. See DTA Field Operations Memo 97-1 (Jan. 3, 1997).

Advocacy Reminder:

- ✓ DTA should not delay placing you in shelter if you qualify and have no place to stay. Contact an advocate if DTA tries to postpone placing you in shelter.

118 Can DTA refuse to provide you with shelter if you have no place to live?

Even if you are homeless, DTA has rules that allow it to deny shelter for various reasons.

DTA can deny shelter if:

- your family made itself homeless to become eligible for EA or to get a housing subsidy,
- you are homeless because you were evicted from public or subsidized housing for not paying rent,
- you are homeless because you did not cooperate with housing search activities,

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- you (or a relative with whom you are seeking shelter) quit a job, reduced work hours, or refused to accept increased hours of employment within 90 days before your application, unless you meet a limited “good cause” exception,
- your family used shelter benefits within the past 12 months unless
 - you left for temporary housing that was approved on a DTA form (TESI–Temporary Emergency Shelter Interruption form), or
 - you left for housing that was supposed to be safe and permanent but turned out not to be,
- you refused to accept a shelter placement or failed to appear at a designated placement without good cause within the past 12 months,
- you were evicted from housing because of criminal activity, except when the criminal activity was by a domestic violence perpetrator who is no longer a part of the assistance unit seeking shelter,
- you lost your housing because of an agreement for judgment in an eviction proceeding brought in whole or part because of non-payment of rent in public or subsidized housing, criminal activity, or property damage, *or*
- you are a teen parent who was asked to leave a teen living program because of rules violations or for any behavior related reasons. 106 C.M.R. §§ 309.020, 309.040.

Note: These and other DTA rules and practices denying shelter may be illegal. Consult an advocate if you are denied shelter for any reason.

Advocacy Reminders:

- ✓ If you are leaving shelter for temporary housing (for example, to stay with family or friends), ask DTA to sign a form (TESI– Temporary Emergency Shelter Interruption form) approving your leaving. Consult an advocate if you cannot get DTA’s approval or if you are later denied shelter because you left for temporary housing.

- ✓ DTA cannot deny you shelter benefits because you rejected housing that was unsuitable or unaffordable or because you lost housing that was not safe and affordable.
- ✓ The Americans with Disabilities Act (ADA) may require DTA to disregard denial reasons that are related to disability (for example, you were evicted from your apartment because of disability-related conduct). See **Question 24** and ask an advocate for more information about the ADA.

119 Can DTA terminate your emergency shelter benefits?

DTA rules allow it to terminate families from shelter for various reasons.

DTA can terminate your EA benefits if:

- you or a family member engages in criminal activity that threatens the health, safety and security of you, your family, other guests or staff,
- you refuse a shelter placement or transfer,
- you leave shelter without permission from DTA,
- you have feasible alternative housing,
- your gross monthly income has been over the EA income limit for six months or you did not save as much as you were supposed to save during the six month period,
- you or a family member quits a job, refuses additional work, or reduces earnings from employment unless you meet a limited “good cause” exception.

DTA can also terminate your shelter benefits for any two of the following, or if any one of them happens more than once:

- you or a family member poses a threat or previously posed a threat to the health, safety or security of you, your family, other guests, or staff,
- you or a family member misses a family shelter interview without good cause (good cause may be limited to a death in your immediate family, a personal injury or illness, or other sudden and serious emergency as determined by DTA),
- you or a family member does not cooperate in developing a Self-Sufficiency Plan, which may impose obligations such as work, housing search, debt-reduction, savings, or other requirements intended to improve your ability to get and keep permanent housing,
- you or a family member does not comply with your Self-Sufficiency Plan,
- you reject an opportunity for safe, permanent housing,
- you violate a shelter's rules more than three times (even if the shelter would allow you to stay) unless you can show the rule was unreasonable, *or*
- you are cited for one violation of DTA's hotel rules or you are expelled from a hotel or motel. 106 C.M.R. § 309.040(E), (F).

In addition, DTA can transfer you to another shelter if DTA thinks it would be "efficient" to transfer you. 106 C.M.R. § 309.040(D).

Advocacy Reminders:

- ✓ DTA must refer families who are not complying with EA rules to one of three outside agencies (Project RISE, F.O.R. Families, or Families Living Together) to provide services to help the family comply with EA rules. A family should not be cited for noncompliance before it has been referred to one of these agencies, unless the noncompliance involves a serious incident of actual or threatened bodily harm. See DTA Field Operations Memo 2007-64 (Dec. 11, 2007). Contact an advocate and/or file an appeal if you receive a notice of termination or noncompliance without first having been referred to one of these agencies.

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- ✓ You should be allowed to put money towards outstanding debts instead of into savings if you want. DTA Field Operations Memo 2007-40 (Aug. 3, 2007).
- ✓ You cannot be required to apply for public housing more than 20 miles from your home community. DTA Field Operations Memo 2007-40 (Aug. 3, 2007).
- ✓ Consult an advocate and/or file an appeal if
 - anyone tries to pressure you into signing a Self-Sufficiency Plan you do not understand or think is not reasonable or that violates DTA policies,
 - anyone tries to pressure you into accepting housing that you cannot afford, is too far from your home community, or is otherwise not suitable, *or*
 - your shelter benefits are terminated or DTA issues a noncompliance notice for any reason you think may be wrong.
- ✓ The Americans with Disabilities Act (ADA) may prohibit DTA from terminating your shelter or citing you for noncompliance if the reason for the termination or noncompliance is related to disability (for example, you violated a rule because of your disability or you left a shelter placement because it did not accommodate your disability). See **Question 24** and ask an advocate for more information about the ADA.

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What are your emergency assistance notice and hearing rights?

Notice and appeal rights for emergency assistance are similar to the rights described in **Part 9, Appeal Rights**. There are some special rules for EA:

- In general, DTA must send you notice at least 10 days before cutting off your shelter benefits.

- Unless you gave DTA a different address in writing, DTA will send notice to you at the shelter even if you are not there any more.
- In EA shelter cases, DTA allows only 21 days to appeal. If DTA's Division of Hearings receives your appeal within 10 days of the date on the notice, your shelter benefits will continue until a decision is made.
- Even if your shelter benefits have been continued because you appealed in time, DTA may be able to transfer you to another shelter during the appeal. If you are appealing a transfer and the shelter does not want you to stay, the appeal may not stop the transfer during the appeal.
- You have a right to get a copy of DTA's documents explaining its reasons for denying you shelter, finding that you didn't comply with EA rules, or terminating your shelter benefits. Getting these documents will help you prepare for your hearing. Contact your DTA worker to ask for a copy. See DTA Field Operations Memo 2007-61 (November 19, 2007).
- You can appeal:
 - DTA's failure to provide emergency shelter,
 - any termination of EA benefits,
 - a finding that you have not complied with the requirements for staying in shelter;
 - DTA's failure to make reasonable efforts to locate emergency shelter that accommodates the size or composition of your family,
 - DTA's failure to place your family within 20 miles of your home community or to transfer your family back within 20 miles at the earliest opportunity,
 - DTA's failure to make every effort to ensure that a child can continue in school in her home community, and/or
 - DTA's refusal to accommodate a disability. 106 C.M.R. § 309.070(B)(1).

- If at all possible, try to get an advocate to help you with your appeal. See **Appendix B** for a list of local legal services offices. The hearing officer usually decides EA shelter appeals very fast (10 days or less). If you are appealing a shelter termination and you lose the appeal, DTA may ask you to leave in as few as two days.

Advocacy Reminder:

- ✓ You should seriously consider appealing a finding of noncompliance even if your shelter benefits are not being terminated and even though nothing bad may happen at the time of a first finding of noncompliance. If you do not appeal the noncompliance, DTA can later rely on this finding as part of the reason for terminating your shelter benefits, and it will be too late to challenge the noncompliance at the termination stage.

121 Can you get help relocating to permanent housing?

Relocation benefits. DTA will pay up to \$1,000 to help get permanent housing for some recipients who are leaving a shelter or a teen living program. This benefit may be used for advance rent, security deposit, rent or utility arrears, moving expenses or other relocation costs. The relocation benefit is available to

- a TAFDC or EAEDC family who has been in emergency shelter (whether or not funded by DTA) for 60 days or more,
- a TAFDC family who has been in a domestic violence shelter for 60 days or more,
- a teen parent age 18 or 19 who has been in a teen living program for 60 days or more and who meets the conditions for living independently. See **Question 16**. 106 C.M.R. § 705.350; DTA Transitions, Feb. 2007, p. 4.

You can get the \$1,000 relocation benefit only once in a 12-month period. But it is *not* an EA benefit and will not disqualify you from receiving an EA benefit within the 12-month period. See **Question 118**.

“Toolbox” or “Shelter to Housing” benefits. When extra EA funds are available, DTA will sometimes make them available to help families move from shelter to permanent housing. In the past, DTA has paid up to \$6,000 to private landlords to subsidize rent for 12-months for families moving out of shelter. Ask your DTA and Housing Assistance Provider (HAP) workers if Toolbox or Shelter to Housing funds are available and if your family qualifies.

RAFT (Residential Assistance for Families in Transition). The RAFT program helps eligible families keep housing, get new housing, or otherwise avoid homelessness. It is administered through regional nonprofit housing agencies. It provides money for security deposits, first and last month’s rent, moving expenses, rent and utility and mortgage arrears, and other housing-related expenses for homeless families and families at risk of homelessness. Funding for RAFT is limited. Ask your HAP worker if RAFT is available when you need it.

Advocacy Reminders:

- ✓ You should ask for the relocation benefit while you are still living in a shelter or a teen living program.
- ✓ DTA may give you less than \$1,000 in relocation benefits unless you can show you need the full \$1,000 for expenses related to getting permanent housing. Be sure to tell DTA why you need the full \$1,000 before you leave shelter.
- ✓ Relocation costs in some circumstances may include furniture and appliances that you need in order to move into permanent housing. DTA Transitions, Feb. 2007, p. 3.