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Field Operations Memo 97-1
January 3, 1997

TO: Local Office Staff
FROM: Joyce Sampson, Assistant Commissioner for Field Operations
RE: Clarification of Emergency Assistance (EA) Policy and Procedure

Introduction

This Field Operations memo clarifies certain issues regarding Emergency Assistance (EA) benefits raised in the Muniz class action suit. The memo focuses on (1) EA eligibility determinations when a family has temporary suitable accommodations, (2) the timing and appropriate language for EA denial notices, (3) placements pending assessment, and (4) proper application procedures.

Suitability of Temporary Accommodations

When temporary accommodations are available, but pose a threat to the health and safety of the EA household, a denial of EA benefits is inappropriate.

Example: An EA applicant with three children states she has been evicted from private housing and is homeless; however, the family is staying temporarily with her mother. No other temporary housing is available. The worker calls the EA applicant's mother who says that the EA applicant and the three children can stay with her for a month. The EA applicant states that she cannot continue to stay with her mother as her mother lives in a studio apartment and five people living in such a small place would constitute a threat to their health and safety. The worker should not automatically deny the EA application. The claims that this temporary housing is not suitable must be verified by an assessment from HIP.

Example: Same facts as above, but EA applicant claims that she and her children cannot continue to stay with mother because one of her children is severely allergic to her mother's two cats. Again, an automatic denial is inappropriate and the threat to the child's health must be verified by an assessment from HIP and medical verification.

Denials of EA Applications

- a) Denials for the reason that the client has feasible alternative housing under 106 CMR 309.040 must give a brief statement of what the Department considers to be feasible alternative housing.

Example: Mary Richards is denied for having feasible alternative housing. The denial notice should state that the reason for denial is "feasible alternative housing (106 CMR 309.040) because she can stay at her aunt's house for two weeks." Note: if client claimed that aunt's house constituted a threat to health and safety and assessment found that not to be the case, that should be noted on the denial notice (i.e., "she can stay at her aunt's house for two weeks which does not constitute a threat to health or safety.")

- b) Denial notices must be sent immediately, once all verifications are submitted. A worker should not wait the entire 30-day denial period to process a denial. However, if it is verified that the EA applicant has a place to stay for less than seven days from the date of application, an EA denial is inappropriate.

Timely Placement When Assessments are Requested

If all verifications are provided within two days and the Department is only awaiting the results of a HIP assessment, the applicant must be placed by the seventh day pending the results of the assessment.

NOTE: This, of course, does not change the responsibility to place someone in shelter immediately if there is thought to be an imminent and serious risk to the family's health and safety.

Applicant Interviews and Applications

A worker must determine the reason for each EA applicant's homelessness. When an EA applicant provides a vague statement as to the reason for his or her homelessness, follow-up questions should be asked.

Example: Sharon states that she is applying for EA because "I need shelter. My mother is kicking me out of the house." In such a situation, the worker should ask a follow-up question(s) to ascertain whether the threatened "kick-out" is precipitated by a threat to health and safety that may need to be assessed or verified by HIP.

In addition, the EA application should state the specific reason for homelessness, the word "homeless" is not sufficient.

Questions

If you have any questions, please have your Hotline designee call the Policy Hotline at (617) 348-8478.