



Commonwealth of Massachusetts
**EXECUTIVE OFFICE OF HOUSING &
LIVABLE COMMUNITIES**

Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

Executive Office of Housing and Livable Communities

Division of Housing Stabilization

Emergency Assistance (“EA”) Program Guidance on Nine-Month Length of Stay

Date of Issuance: June 12, 2024

Updated: September 6, 2024

In April 2024, the Massachusetts Legislature passed a new law¹ establishing a 9-month limit on a family’s eligibility for EA shelter, with opportunities for extensions if they qualify. This guidance is issued by the Executive Office of Housing and Livable Communities (“EOHLC”) to establish procedures implementing the 9-month limit on EA eligibility, including criteria that will be used to determine whether a family qualifies for an extension.

This guidance will be in effect for as long as a Capacity Declaration remains in effect, including but not limited to the Capacity Declaration issued by Secretary Augustus on October 31, 2023, as extended. This guidance supplements but does not replace existing EOHLC regulations.

1. Nine-Month Limit and Extensions

- a. Families will be eligible for EA shelter for up to 9 consecutive² months, starting from the date the family was first placed into EA shelter³.
- b. Families may receive up to two 90-day extensions if they meet certain criteria.
- c. A family will receive at least 90 days’ notice before their eligibility for shelter ends. As a result, a family that has already been in shelter for more than 9 consecutive months

¹ Section 3 of Chapter 88 of the Acts of 2024 amended G.L. c. 23B, § 30, which is the statute governing the EA program.

² Any period after initial placement during which a family is eligible for shelter will count towards the family’s 9-month period, even if the family’s placement in an EA shelter is interrupted, such as through an approved Temporary Emergency Shelter Interruption (“TESI”).

³ The date of placement into EA shelter is calculated from the date that a family is placed into a shelter unit or hotel/motel unit funded by EOHLC under item 7004-0101 of the state budget, following an initial eligibility determination by EOHLC. Placement into a state-funded overflow emergency shelter site or non-state-funded overflow emergency shelter site, as defined in G.L. c. 23B, § 30(G)(1), shall not constitute “placement” for purposes of calculating the 9-month shelter limit.

- as of the date this guidance goes into effect will be allowed to remain in shelter for 90 days after receiving notice that their shelter eligibility is terminating.
- d. A family that receives a 90-day extension will simultaneously receive a notice letting them know that their ability to remain in shelter will terminate at the end of the 90-day period.
 - e. In limited circumstances, a family that has exhausted both 90-day extensions may request further extension on the basis of hardship. A hardship waiver will allow a family to remain eligible for shelter for up to an additional 120 days.
 - f. The date that a family is required to exit shelter under G.L. c. 23B, §30(G) and this guidance is referred to in this guidance as their length of stay limit (“LOS Limit”).
 - g. No more than 150 families shall be terminated from the emergency housing assistance program in any given week.
 - h. A family’s EA shelter benefit may be terminated if the family does not comply with case management and rehousing efforts (including its 60-day Rehousing Assessment) for any 60-day period.

2. Eligibility Criteria for 90-Day Extensions

- a. EOHLC will review each family’s most recent 60-day Rehousing Assessment to determine whether the family is eligible for a 90-day extension by law. EOHLC may request supporting documents to verify the family’s eligibility. In order to qualify for a 90-day extension, a family must be in compliance with their 60-day Rehousing Assessment and meet one of the following criteria:
 - i. A family member is employed, or participating in job training programs, including any authorized or approved training program identified in guidance issued by the Executive Office of Labor and Workforce Development. To be considered “employed,” the family member must be engaged in paid work at least once a week, which may be part- or full-time;
 - ii. A family member is qualified as a veteran based on days of active duty service and honorable discharge as described in G.L. c. 4, §7, cl. 43 and is not enrolled in services specifically targeted to support veterans. The definition of “veteran” can be found here: <https://www.mass.gov/info-details/eligibility-and-service-requirements>.
 - iii. The family has an imminent housing placement, within one month after the date of their LOS Limit;
 - iv. The family is seeking to avoid educational interruptions for a child enrolled in public schools;
 - v. A family member is pregnant or has given birth within the 3 months preceding the date on which the extension is sought or is an infant born within the 3 months preceding that date;

- vi. A family member has been diagnosed with a disability or a documented medical condition that affects the family's ability to search for housing or find housing that meets their needs;
- vii. A family member is a single parent, stepparent, legal guardian or caretaker caring for a disabled child or family member;
- viii. A family member is a single parent, stepparent, legal guardian or caretaker caring for a child(ren) with insufficient child or dependent care necessary to obtain employment or continue employment;
- ix. The family is at imminent risk of harm due to domestic violence or child protection concerns; or
- x. A family member is an infant born within the 9 months preceding the date the extension is sought.

3. Hardship Waivers

- a. A family that has exhausted both 90-day extensions may apply for additional extension on the basis of hardship. Upon request for a hardship waiver, EOHLC may approve extensions of up to 120 days at a time. To qualify for a hardship waiver, a family must be in compliance with their 60-day Rehousing Assessment and have a:
 - i. Family member who is aged 0 to 9 months;
 - ii. Family member with immunocompromised condition;
 - iii. Family member with high-risk or third trimester pregnancy;
 - iv. Family member with medical device (tracheostomy only);
 - v. Risk of imminent harm due to child protection or domestic violence concerns.
- b. Requests for a hardship waiver must be submitted on a form or medium provided by EOHLC at least 30 days prior to the family's LOS Limit, which may have been previously extended. Late requests may be accepted at EOHLC's sole discretion.
- c. As part of the waiver request process, families may be required to undergo a clinical evaluation to assess whether they meet one of the criteria. Families may choose how they have their assessment completed:
 - i. In-person at the Clinical and Safety Risk Assessment site. Transportation will be provided by the EA shelter provider.
 - ii. Through their own medical provider. Families must give permission for their provider to share the results of the assessment with the Massachusetts Department of Public Health's Rapid Response Team.
 - iii. Virtually through the Massachusetts Department of Public Health's Rapid Response Team. Families must have a U.S. phone number to utilize this option.
- d. EOHLC may contact an applicable state agency or other organization to verify that the family meets one of the criteria.

- e. Families will receive a written notice of EOHLC's determination of the hardship waiver request.

4. Appeals

- a. What Families May Appeal. Families will have the right to appeal:
 - i. The date of their LOS Limit based on a denial of an extension under Section 2 of this guidance; or
 - ii. Denial of a hardship waiver.
- b. Appeal requests must be received by the EOHLC Hearings Division within 21 days of the issuance of the notice that is being appealed.
- c. Families will be able to remain in shelter while their appeal is pending if the appeal request is timely received under the terms of this guidance.
- d. If the appeal is denied by the EOHLC Hearings Division, the family will have 10 calendar days to leave shelter from the date of the issuance of the hearing officer's decision.

5. Delivery of Notices

- a. All notices issued to families under this guidance will be delivered by the EA shelter provider to the family's last shelter address and electronically by email, if one has been provided by the family to the EA shelter provider. The notice will be considered delivered to the family on the earlier date that occurs between physical and email delivery.

6. Re-application for EA Shelter

- a. Families who leave their EA shelter unit on or before the last day of their LOS Limit (as extended) may re-apply for shelter immediately, subject to contact list and prioritization process, and will not be subject to the 12-month bar on EA eligibility under 760 CMR 67.06(1)(d)1.