



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Transitional Assistance
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Field Operations Memo 2008-62
November 18, 2008

To: Transitional Assistance Office Staff
From:  John Augeri, Assistant Commissioner for Field Operations
Re: EA: Referrals for Noncompliance Determination

Background

The process for referrals for determination of Emergency Assistance shelter noncompliance is being amended. Field Operations Memo 2007-64, which advised staff of the availability of support services provided through referrals to *F.O.R. Families*, *Project RISE* and *Families Living Together*, is now obsolete.

Purpose of Memo

The purpose of this memo is to notify staff that:

- the referral and the referral outcome reports for support services as part of the noncompliance determination process are no longer required;
- all supporting documentation from the shelter or HAP provider will be directed to and from the Homeless Shelter Outreach Liaison;
- the *EA Noncompliance Referral* (EAN-1) has been revised;
- breaking hotel/motel rules may result in noncompliance; and
- the notice to *EA Families Placed in Hotels/Motels* has been revised.

Support Service Referrals and Referral Outcome Reports

In response to DTA's request, F.O.R. Families staff is now focusing on the families who have been placed in hotels/motels. Therefore, the F.O.R. Families staff are unavailable to meet with families who are not cooperating with their Self-Sufficiency Plans.

On November 5, 2008, an email was sent advising DTA staff and shelter and HAP providers that referrals and outcome reports from the support services agency were no longer required.

Therefore, if noncompliance-related documentation is being held on an EA family awaiting the *Referral Outcome Report*, that documentation should be submitted immediately to the Homeless Shelter Outreach Liaison.

When to Send a Referral to a Support Services Agency

F.O.R. Families and Project RISE staff are experienced nurses and social workers with extensive public health, community health and child welfare experience who offer trained-experience in working with homeless families who are placed in shelters or hotels/motels.

Although a referral to *F.O.R. Families, Project RISE or Families Living Together* is no longer part of the noncompliance process, case managers, homeless coordinators, shelter providers and HAP providers are advised that a referral is strongly recommended and should be made to:

- *Project RISE* when it is believed that a family member is at risk due to substance abuse-related issues; or
- *F.O.R. Families* when it is believed that a family member is at risk due to mental health issues and/or trauma-related issues.

The *Referral Form* (Attachment A) is used to make the referral.

For families placed in one of the four Waltham shelters who are at risk due to substance-abuse issues, mental health issues or trauma-related issues, the referral is made to *Families Living Together (FLT)* through the shelter case manager.

**Homeless
Shelter
Outreach
Liaison**

The Homeless Shelter Outreach Liaison will oversee the noncompliance documentation. This means all noncompliance documentation from the case manager or homeless coordinator, the shelter or HAP providers, and the Noncompliance Committee, must be directed to and from the Homeless Shelter Outreach Liaison.

The Homeless Shelter Outreach Liaison is responsible for:

- receiving the noncompliance determination request from the shelter and HAP providers;
- ensuring the faxed documents are legible;
- sending an email to the provider when additional information is needed as determined by the case manager, homeless coordinator or the Noncompliance Committee;
- immediately sending an email acknowledging receipt of the noncompliance determination request to the provider;
- immediately distributing the noncompliance determination request documents to the appropriate case manager or homeless coordinator;
- reviewing the noncompliance package, including the *EA Noncompliance Referral* (EAN-1) (Attachment B) and supporting documentation to ensure completeness;
- faxing the noncompliance package to the Noncompliance Committee within two business days of the date the noncompliance determination request was received from the provider, unless additional information was requested from the provider;
- distributing the Noncompliance Committee's decision to the appropriate case manager or homeless coordinator within one business day of receiving the decision from the Noncompliance Committee; and
- sending an email immediately to notify the providers of:
 - the noncompliance decision;
 - an EA termination; or
 - an EA appeal decision.

A listing of the Homeless Shelter Outreach Liaisons, the TAO, the phone number and the fax number has been provided to all shelter and HAP providers. This information can also be found on the DTA Intranet website.

**Case Manager or
Homeless
Coordinator
Responsibilities**

The case manager and homeless coordinator should be familiar with the role of the Homeless Shelter Outreach Liaison in the noncompliance process as stated above.

The case manager and homeless coordinator will be given the noncompliance-related documentation submitted by the shelter or HAP provider from the Homeless Shelter Outreach Liaison. Once the documentation is received, the case manager or homeless coordinator will put together the noncompliance package. To assist the case manager and homeless coordinator in identifying all of the documents that the Noncompliance Committee needs, a listing of all relevant documents has been added on to the *EA Noncompliance Referral* (EAN-1 Rev 11/2008) form. This is a sequential listing of the required documents for completing the noncompliance package.

The case manager or homeless coordinator will:

- assemble the noncompliance package with the *EA Noncompliance Referral* and all related documentation;
- give the completed noncompliance package to the Homeless Shelter Outreach Liaison within two business days of the date the provider's noncompliance determination request was received, unless additional information was requested from the provider;
- complete the appropriate noncompliance notice or termination notice within two days of receiving the Noncompliance Committee's decision;
- for a first instance of noncompliance, schedule an appointment with the EA family to discuss the events that caused the noncompliance and how to work together to attempt to avoid such actions in the future. If the appointment is missed, schedule a second appointment. Take no negative action if the family does not keep the scheduled appointment. Discuss the issues at the next monthly Self-Sufficiency meeting with the family;
- enter on the BEACON Narratives tab that the noncompliance documentation was submitted to the Noncompliance Committee and the outcome; that an appointment(s) was scheduled and the outcome(s); and
- advise the Homeless Shelter Outreach Liaison when the EA case has been closed or an EA family's appeal decision is received.

There continues to be a number of EA families being placed in hotels/motels. Refer to the *Hotels/Motels* section of this memo for instructions regarding EA families who are temporarily placed in hotels/motels until a shelter placement is available.

Notification to Shelter and HAP Providers Shelter and HAP providers have been advised of a new form, *Noncompliance Determination Request* form (Attachment C) that they must complete when submitting information for a noncompliance determination. This form briefly describes the behavior being submitted for a noncompliance determination (who, what, when and where) and what actions were taken by the provider to address the behavior concerns. Providers must fax the completed *Noncompliance Determination Request* form to the Homeless Shelter Outreach Liaison along with all pertinent noncompliance documentation.

Noncompliance Committee Decisions A decision from the Noncompliance Committee will be issued and emailed to the Homeless Shelter Outreach Liaison within 10 business days of the date the provider's noncompliance determination request was received, unless additional information from the provider is required.

For a noncompliance determination request due to criminal activity, the Noncompliance Committee will review the documentation immediately and a decision will be issued and emailed within three business days.

Hotels/Motels When an EA family is placed temporarily in a hotel/motel, the case manager or homeless coordinator will:

- obtain a contact phone number from the family and write it on the TES-EPR-1 form. This is very important for immediately contacting the family when a shelter placement becomes available;
 - tell the family that they could be contacted at any time to move from the hotel/motel to a shelter anywhere in the state;
 - advise the family to call the hotel/motel each afternoon at 1pm to check if they are scheduled to move from the hotel/motel;
 - ensure the hotel/motel's phone number is written on the *Informational Contacts* (TES-IC) form. All of the hotel/motel information can be found on the placement letter from the Central Office Housing and Services Unit;
 - give the *Notice to Emergency Assistance(EA) Families Placed in Hotels/Motels* (HM-NT) (Attachment D) to the family; and
 - ensure the family reads and understands their responsibilities and the rules while staying in the hotel/motel and that failure to abide by the rules could result in noncompliance. **For a family in a hotel/motel, one rule violation could result in a determination of noncompliance.**
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**Hotel/Motel
Rule Violation**

If a family is having behavior difficulties or not complying with the hotel/motel rules, H&HS is notified.

- H&HS will email or fax the hotel/motel's documentation to the Homeless Shelter Outreach Liaison.
- The TAO must follow the procedures as outlined above regarding receiving a noncompliance determination request from a shelter, including distributing the documents to the case manager or homeless coordinator, faxing the noncompliance package to the Noncompliance Committee, contacting H&HS if additional information is required, sending the appropriate notices to the family, notifying H&HS if the EA case is terminated, etc.

**Personal Use
Or Possession
Of Controlled
Substance**

The personal use or possession of a controlled substance while in the shelter is classified as a threat to health and/or safety to the individual, a family member, another shelter resident, or the shelter staff. It is not classified as a criminal activity for noncompliance reasons.

Obsolete

Field Operations Memos 2007-64 and 2008-34 are obsolete.

Questions

If you have any questions, please have your Hotline designee call the Policy Hotline.



Referral Form

Project RISE Referral: Fax to Kathleen Egan at 617-661-7277

F.O.R. Families Program Referral: Fax to Eileen Carranza at 617-624-5927

Name of Person Referring	Date
Telephone Number and Best Time to Reach You	Name of Referring Agency or Shelter
Client's TAO and DTA Case Manager's Name	
Client/Head of Household	
Social Security Number	DOB
Telephone Number and Best Time to Reach Client	Alternate Telephone Number
Address	
Does this client speak English? If not, what is primary language?	

Family Composition:

Name	Relationship	DOB

Reason for Referral (check all that apply):

- Behavioral Concern _____

- Substance Use/Abuse Concerns _____

- Mental Health Concerns _____

- Additional Issues/Information _____

Project RISE use only:

Date received: _____

FCC assigned: _____

MIS: _____

Referral's last name: _____

Date assigned: _____

Program Client ID: _____



EA Noncompliance Referral

Date _____

TAO _____

Homeless Shelter Outreach Liaison

Phone Number _____

Family Last Name, First Name

SSN _____ Age _____

Other Adult Name

Relationship _____ Age _____

Homeless Since (date) _____

CORI Yes No

Section 8 Voucher or MRVP Yes No

Temporary Emergency Shelter Placement History - List current placement first, include placement dates and reason(s) for exit(s), if any.

Placement	From-To Dates	Reason(s) for Exit(s)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Reason(s) for Noncompliance Referral Refer 106 CMR 309.040(E) for the details on the noncompliance reasons.

1. Refused opportunity for safe permanent housing
2. Not accepted by shelter due to behavior at interview(s)
3. Did not sign the EA-15 form;
 Did not cooperate in developing plan;
 Did not participate in activities in plan, without good cause
4. Accumulated violations of shelter rules or violation of hotel/motel rule
5. Posing a threat to the health or safety to self, residents, guests or staff
6. Criminal activity that threatens the health, safety or security to self, residents, guests or staff (309.040(F)(1)(a))

Noncompliance Package assembly:

EAN-1 EA-15

TESR-1 TESR-3 HM-NT (if applicable)

1st TES-WN-13 (if applicable)

Most recent EA-Plan Part 1

Most recent EA-Plan Part 2

Most recent EA-Plan Part 3

Supporting Documentation

Provider's Noncompliance Determination Request

Dated Warning Notices

Child's Name and Age

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Family Last Name, First Name

SSN

Description of noncompliance (reason(s) asked to leave shelter, not cooperating with the activities in the Self-Sufficiency Plan, housing search activities, missed appointments, specific rule violations, etc.)

Specify documentation in case record of noncompliance reason(s) (copies of each notice issued to the EA family regarding rules violation(s), missed housing appointments, failure to do housing search activities, information on the refused opportunity for safe permanent housing (address, rental cost, utility(ies) included, reason for refusal, etc.)

- DCF Referral** Yes, date _____ No
- Active DCF Case** Yes, which office _____ No
- Closed DCF (DSS) Case** Yes No Unknown

Noncompliance Committee decision and date

Follow-up actions to be taken by Transitional Assistance Office

Date Transitional Assistance Office notified of decision _____



Noncompliance Determination Request

Attachment C

This document is to be completed by the shelter or housing assistance provider describing the behavior that occurred which has resulted in the noncompliance determination request and what steps have been taken by the provider. When submitting the documentation for a noncompliance determination, providers should include this document along with copies of all warning notices and any third-party documentation generated by the incident, such as police reports, landlord/management offers of housing, drug results, etc. Please fax all documents to the TAO's Homeless Shelter Outreach Liaison.

Submitted by (name of Provider and staff) _____

Submitted to (name of TAO and Homeless Shelter Outreach Liaison) _____

Name of EA Family _____ Date _____

1) Briefly describe the behavior (who, what, where, and when).

2) Briefly describe what steps have been taken by the shelter or housing assistance provider to address the behavior concerns.

3) If there is other information which would assist DTA in its review of the family's actions, please include it in the space below.



Notice To Emergency Assistance (EA) Families Placed in Hotels/Motels

You (and the eligible family members) are being placed temporarily in a hotel/motel while the Department of Transitional Assistance (DTA) looks for a shelter placement for you. You will be transferred to an appropriate family shelter at the earliest possible date. **Your family will be moved to a shelter anywhere within Massachusetts.**

You are expected to arrive at a reasonable hour at the hotel/motel on the day you are placed. If you do not, the room will be cancelled. If you fail to appear at this placement without good cause or you refuse this placement, your temporary emergency shelter benefits will be terminated. If you disagree with the placement and file an appeal, you still have to go to this placement until your appeal is decided.

You are expected to stay at the hotel/motel every night that is authorized by the case manager. If you leave without notice, the hotel/motel will pack up your belongings and dispose of them.

You are expected to call the hotel at 1 o'clock each afternoon. They will have information if your family will be moved to a shelter. Your family will be moved to a shelter anywhere within Massachusetts.

While you are in the hotel/motel, you MUST follow these rules:

1. **No Guests** -no one other than you and your eligible family members, as listed on your Emergency Assistance application, may be in your room at any time, except for hotel/motel staff or staff under contract with DTA.
2. **No Pets** -may be in your room at any time except for a certified service animal.
3. **Keep your room clean** -you must allow hotel/motel staff access to your room daily to clean the room and at any other time upon request.
4. You must pay all costs above the room charge for “**extras.**” The hotel/motel will tell you what these costs are. Usually, this means that you must pay for phone calls made from your room, and for things like movie and video rentals.
5. You may not take or damage hotel/motel property. You must pay for any hotel/motel property missing from the room or any damage done by you or any member of your EA household. This means also that you may have to pay for extra cleaning if you leave your room very dirty.
6. You may not leave your children alone and unattended in the room or unsupervised on the property at any time, including the pool area, parking lots, lobby, breakfast areas, etc.
7. You must follow all rules of the hotel/motel.
8. You may not be physically or verbally abusive to staff or other guests.
9. You must keep appointments with the FOR Families Home Visitor.
10. You must take all of your belongings when you exit the hotel/motel. If you leave and do not take your belongings the Department will have the hotel/motel dispose of them.

(See other side)

Original to Case Record - Copy to EA Family

If you violate any of the rules listed on the front of this form during your stay in the hotel/motel, or you are expelled from the hotel/motel for violation of a reasonable rule, or if after you leave we find out that you violated any of these rules, the Department will treat the violation(s) as “noncompliance” under 106 CMR 309.040(E)(1)(g). If that happens, the Department will send you a notice of the noncompliance, explaining your rights. Two instances of noncompliance will result in termination of your EA shelter benefits.

If you are asked to leave the hotel/motel because there is good cause to believe that you or any member of your EA household is engaging in or has engaged in criminal activity(ies) that threaten the health, safety and/or security of yourself, others hotel/motel guests and/or the staff of the hotel/motel, your EA shelter benefits will be terminated.

The Department has special rules about shelter that are listed on the *Recipient Responsibilities While in a Temporary Emergency Shelter* (TESR-1) form. If you do not follow the rules, you may lose your right to EA shelter benefits.

Your refusal to sign this form will be treated as rejection of a shelter placement and will result in termination of the EA shelter benefits.

I (we) have read these rules and agree to follow them.

Applicant/Client’s Signature

Date

Other Adult Household Member’s Signature

Date

Case Manager’s Signature

Date

(Staple the HM-NT to the TESSR-1)