



**Massachusetts Department of Housing and Community Development
Division of Housing Stabilization**

To: DHS Field Staff
From: Ita Mullarkey, Associate Director
Date: June 13, 2016
RE: Housing Stabilization Notice 2016-02, Guidance on Temporary Emergency Shelter Interruptions (TESI).

Introduction

This Housing Stabilization Notice (HSN) is intended to codify the streamlined process for requesting a Temporary Emergency Shelter Interruption (TESI). The new process is designed to more effectively serve participants of the Emergency Assistance (EA) program and improve operational efficiency by fielding requests and rendering decisions through the Central Office. This HSN supersedes, and renders obsolete, HSN 2014-02.

Summary

A family receiving Emergency Assistance (EA) temporary emergency shelter benefits may be granted a TESI only for the following reasons:

1. Death in family;
2. Other-area employment;
3. Medical treatment for an EA family member or extended family member (including in-house substance abuse treatment programs and in-house domestic violence/domestic abuse recovery programs);
4. Legal complications;
5. Re-housing likely within 30 days; and
6. The EA household loses custody of all needy children under the age of 18.

Discussion

Effect

The effect of granting a TESI is that the Twelve-Month Rule—760 C.M.R. § 67.06 (1) (d)—is not triggered when the family leaves the EA homeless shelter or hotel placement.

Procedure

In order to be granted a TESI a family must comply with the following procedure:

- (1) The head of household of the family must complete the standard Division of Housing Stabilization (DHS) TESI application form (Form TESI) and provide adequate verifications.
- (2) The family must demonstrate on the Form TESI or in documents accompanying the form that it is about to leave temporary emergency shelter for more than four¹ but not more than thirty consecutive nights;
- (3) The family must verify on the Form TESI or in documents accompanying the form that it has temporary feasible alternative housing for the duration of the leave from emergency shelter, including alternative shelter provisions for needy children if the family members will be separated during the TESI.
- (4) The family must indicate on the Form TESI an appropriate reason for requesting the TESI, and include appropriate verifications as attachments to the form. The family must identify a permitted reason for requesting the TESI:
 - (a) Long-standing reasons for allowing a TESI are death in family, other-area employment, medical treatment (including in-house substance abuse treatment programs and in-house domestic violence/domestic abuse treatment programs), when a family is within 30 days of being re-housed, or another reason similar in nature and extent to the listed categories.²
 - (b) DHS has recently recognized a new basis for allowing a TESI, the loss of custody of all needy children under the age of 18 in an EA household.
- (5) Once the head of household has completed the Form TESI, he or she submits the application to the provider. The provider should review the form for any missing information and evaluate the reason for the temporary move and the impact it may have on the EA family finding safe, permanent housing at a later date. The provider should then submit the request via electronic mail to the Associate Director or designee who will also verify the reason for the TESI, the location and suitability of the temporary feasible

¹ A family can take up to four nights out of EA with prior approval of homeless shelter staff for families in homeless shelters or of the Regional Assistant Director or his/her designee in the case of families in hotels or motels. Uniform Shelter Program Rule on Overnights.

² See EA Shelter Contract Request for Responses (VI) (E) (4).

- alternative housing, and the likely date of return. The TESI should be granted only if the form is complete and proper verification is provided.
- (6) After the TESI is approved or denied, copies of the Form TESI are given to the head of household, DHS Placement Unit, and shelter provider, and placed in the head of household's file and entered into ASIST as an EA form. In addition, a narrative "Effort," stating the reason for the TESI approval and approved length of absence, should be completed by the Provider and entered in ASIST.
- (7) Then, the shelter interruption begins and DHS support staff creates a reminder in ASIST to verify that the household has returned at the end of the TESI timeframe. The Placement Unit must then track the EA case for the next 30 days in order to make the appropriate entries, depending on whether the family returns or not.
- (8) (a) If the head of household returns within the approved TESI timeframe, the Homeless Coordinator submits a placement request to the DHS Placement Unit.
- (b) If the head of household does not return within the approved TESI timeframe (which should not be more than thirty days), the Associate Director or their designee processes an NFL-9-T termination for feasible alternative housing at the end of the TESI period, even if it is less than 30 days. The address of the feasible alternative housing should be the address of the temporary housing utilized by the head of household during the TESI period according to the Form TESI.

Verification

Verifications must be submitted for the following items in order to obtain a TESI:

(1) *Reason for TESI.*

The reason for the TESI should be verified as follows:

- (a) *Death.* For death in the extended family of the EA recipient, verification shall be by one of the following, *see* 106 C.M.R. § 203.200 (D) (1):
- (i) the death certificate,
 - (ii) a signed statement from the funeral director,
 - (iii) a newspaper death notice,
 - (iv) Veterans Administration (VA) records,
 - (v) hospital records,
 - (vi) records of other medical or long-term care institutions,

- (vii) military service records,
 - (viii) police records, or
 - (ix) Social Security Survivor's Benefits (RSDI).
- (b) *Out-of-Area Employment.* Place and nature of employment, as well as need to relocate for employment, shall be verified by one or more of the following, *see* 106 C.M.R. § 204.290 (A) & (B): Pay stubs, pay envelopes, a written statement signed by an employer showing wages paid (or to be paid), or, in the case of self-employment, by business records such as a written contract and/or tax returns. Such documentation must indicate a means of contacting the employer for possible follow-up inquiries, expected or actual hourly wages or salary, the number of hours worked or expected to be worked, and the location of employment.
- (c) *Medical Treatment.* The need for medical treatment for a family member of the EA recipient family and the reasons that the family needs to relocate temporarily because of that treatment should be verified by a signed statement from a competent medical practitioner indicating the nature of the medical condition and the medical reason(s) compelling the household to reside temporarily out of an EA homeless shelter or hotel placement, *see* 106 C.M.R. § 309.040 (A) (5) (f). Such a temporary relocation does not necessarily need to be for the in-patient treatment of an EA family member, so long as there is a strong medical need for the temporary arrangement. For example, a TESI may be required in certain circumstances to allow a new mother to stay with relatives to help care for her and her child or children in the period immediately after the birth, or to grant a family relief from the living conditions of a hotel or shelter due to the psychological or mental health needs of the particular family.

The DHCD staff members who process TESI requests should be aware that any TESI requested due to the medical needs of a member of the EA family might raise concerns about the Americans with Disabilities Act and corresponding state laws, so that the TESI process for medical needs calls for individualized accommodation responses to the specific needs of each family in the circumstances. In rare occasions, when the head of the EA household is necessary to attend to the personal care needs of a member of the extended family in

significant medical need (such as hospice care for an individual with a terminal illness), a medical treatment TESI may be warranted. In that case, the verifications from the medical provider must also include verification that the assistance of the EA head of household is necessary for the adequate care of the extended family member.

Families requesting a TESI for substance abuse treatment or because of a move to a domestic violence shelter should obtain a letter from the facility explaining the type of program, the anticipated length of stay of the participant, and the arrangements that will be made for the care of the children if they will not reside with the head of the EA household during the course of the program.

- (d) *Legal Complications.* Historically, the only additional reason for TESI requests under the “similar in nature and extent” category has been legal complications. Occasionally, it is necessary for a the head of an EA household to leave the state to take care of legal matters, such as outstanding warrants, divorce, or custody proceedings. Typically, if the legal issue arises out of Massachusetts or one of the neighboring states, it can be resolved in a short trip with an authorized overnight for up to four nights under the Uniform Shelter Program Rule on Overnights. A TESI due to legal complications should be verified by documentation from a Court, Department of Probation, Department of Corrections, Department of Children’s Services (or similar title for an governmental agency addressing child custody issues) demonstrating that the head of household is required to be present in person to address the legal complication and the minimum necessary time to address the legal complication. A letter from an attorney is not a sufficient verification of the need to be out of state to address a legal complication, but a letter from an attorney may supplement a court or government agency document by explaining the reasons for the amount of time needed to resolve the issue. One additional day for travel in each direction should be allowed for resolving legal complications in jurisdictions more than 360 miles from the EA family’s homeless shelter placement. If the minimum time necessary to address the legal complication is not specifically stated on the documentation, it may be inferred

from the number of days of required court appearances or required appointments with government agencies.

- (e) *Imminent Lease-Up.* A number of families that are being rapidly rehoused through various programs have requested time out of emergency shelter to stay with friends or relatives while arranging their affairs in anticipation of signing a long-term lease. If their anticipated lease-up does not occur as expected, the family can preserve its ability to return to emergency shelter while searching for alternative housing options through a TESI. Required verifications for imminent lease-up are:
- (i) Identify: if re-housing is subsidized, the type of program, name of administering housing agency, contact information; if re-housing is market-rate, the name of the property owner and property manager and a signed lease for a specific rental unit with a move-in date within 30 days.
 - (ii) If re-housing is subsidized, provide documentation applicable to the current phase of lease-up, such a copy of housing application, copy of letters requesting housing references, copy of request for housing inspection, or copy of lease.
 - (iii) If re-housing is subsidized, the administering agency or should provide an justify in writing the date of anticipated lease up, which should be within 30 days of the date of the TESI application.
- (f) *Loss of Custody of all needy children.* There are instances in which an EA family may lose custody of all of the needy children under the age of 18 in their household. If this occurs, the Associate Director may offer the remaining EA household members a TESI. The EA household may only return to shelter if they have custody of one or more needy children under the age of 18, or if they become pregnant.
- (2) *Need for, Adequacy of, and Availability of Temporary Housing.* The EA household must verify the need for, adequacy of, and availability of the temporary alternative housing that will be used by the family during the period allowed for the TESI. For example, if a family is able to demonstrate under (1) above that one of the children in the family requires an extended hospital stay, under (2) the head of household must demonstrate that he or she has adequate shelter nearby during the child's anticipated hospital stay, and that other children in the family will be adequately cared for during that period.
- (3) *Length of Stay and Need to Return.* The family should be able to demonstrate that the need underlying the TESI is temporary, is for a definite time period less than thirty days, is

unlikely to last for more than thirty days, is not likely to result in the family being able to stay in the temporary alternative housing arrangement at the end of the TESI period, and (in the case of TESI for reasons (a)–(c) above) is likely to result in the need for the family to return to emergency shelter at the end of the TESI period. In the case of (d) above, it is anticipated that the family will not need to return to shelter, but may have to if the expected housing opportunity becomes unavailable. Such TESI are anticipated to be terminal TESI and do not require verification of need to return after the approved TESI period.

Extendability

If the conditions necessitating a TESI are expected to persist beyond the originally granted time period, an extension may be requested by the participant. The request must be made, in writing, to the Associate Director or their designee, before the original TESI expires. The TESI may be extended for up to thirty days beyond the originally granted TESI time period, and may only be extended once. The TESI extension must be verified in the same manner of the original TESI, and is at the discretion of the Associate Director or their designee.

Conclusion

An Emergency Assistance family may, with permission of the Associate Director or designee, be granted a TESI if it needs to leave temporary emergency shelter for more than four but not more than 30 consecutive nights, has temporary feasible alternative housing for the duration of the leave from shelter, and can demonstrate a permissible reason as detailed in this Notice for requesting the temporary shelter interruption.