

April 8, 2020

Governor Charlie Baker and Lieutenant Governor Karyn Polito  
c/o Kristen LePore, Chief of Staff  
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**Re: COVID-19 Protections Urgently Needed for Families with Children That Are Experiencing Homelessness**

Dear Governor Baker and Lieutenant Governor Polito:

We write to express our strong concern for the health and safety of families with children that are experiencing homelessness during the COVID-19 pandemic. **We ask you to take swift and decisive action to protect children experiencing homelessness and their parents from unnecessary exposure to the coronavirus**, including families within the Commonwealth's Emergency Assistance (EA) shelter system, families with applications for EA shelter that have not yet been approved, and those families that are not eligible for EA shelter.

Massachusetts is beginning to see a surge in COVID-19 cases among people experiencing homelessness, with the media reporting this week that almost 230 people without permanent housing have been diagnosed with COVID-19 here in the Commonwealth. Across the country, we also are seeing higher rates of COVID-19 morbidity and mortality in African American and Latinx communities, communities also disproportionately impacted by homelessness and housing instability and overrepresented in the EA program. Knowing that these facts are both daunting and just the tip of the iceberg, we ask you to take these urgently needed actions (as set forth in greater detail below):

- **Support the immediate identification, procurement, and funding of additional shelter capacity, both within and outside the EA system, to provide safe placements in which families do not have to share bathrooms or eating facilities with anyone outside their family unit (i.e. motel and scattered site placements in lieu of congregate and co-sheltering placements)**
- **Utilize motel and hotel space to provide safe shelter for children and parents experiencing homelessness, coupled with robust supportive services to ensure availability of necessities such as food, medicine, diapers, cleaning supplies, and remote case management services**
- **Provide immediate safe shelter for families experiencing homelessness, regardless of EA eligibility status**

- **Ensure that families have uninterrupted access to the EA application process throughout the COVID crisis**
- **Ensure that DHCD honors the FY'20 budget language that requires DHCD to provide EA access to otherwise eligible children and parents who have not yet stayed in a place not meant for human habitation**
- **Ensure that DHCD honors existing law that allows families to provide self-certifications when preferred third-party verifications are not easily or safely accessible, and use the presumptive placement process as a standard practice and not an exception to the rule**
- **Direct DHCD to suspend EA terminations during the COVID-19 state of emergency**
- **Direct DHCD to waive the existing 12-month bar on re-entering shelter to allow otherwise eligible families to be approved for EA shelter if they face a recurrence of homelessness during this pandemic**
- **Direct the Massachusetts Department of Public Health to issue an order for the provision of non-congregate shelter and associated supportive services, so as to reduce the risk of exposure to COVID-19 for children and families experiencing homelessness, and to seek reimbursement from appropriate federal agencies or other sources**

Federal funds made available to Massachusetts through the major disaster declaration and the passage of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), both on March 27, 2020, mitigate any concerns about financial costs associated with **immediately** implementing the necessary safety measures detailed below. The tragic events at the Holyoke Soldiers' Home, along with the recent spike in COVID-19 diagnoses among people experiencing homelessness in Boston and Quincy, demonstrate the risk associated with congregate living facilities and the urgent need to identify viable alternatives. Family shelter programs serve a disproportionate number of children and parents with preexisting conditions such as diabetes, hypertension, and asthma that put them at increased risk of developing life-threatening complications if exposed to COVID-19. Failure to develop appropriate COVID-19 safety measures for family members with underlying health conditions living in shelters may constitute a violation of the Americans with Disabilities Act (ADA) and other federal and state disability civil rights laws.

On March 20, 2020, we delivered the attached letter to Undersecretary Maddox and Associate Director Mullarkey at the Department of Housing and Community Development (DHCD) to share some of our agency-specific concerns and recommendations. Almost three weeks later, we still are awaiting a substantive response. As the pandemic accelerates, the Commonwealth cannot afford further delay. **We are writing to you now as the Commonwealth *must* take immediate action to reduce the threat to children and parents experiencing homelessness, particularly those in**

**congregate shelter placements and those at risk of unsheltered homelessness whether due to ineligibility for EA shelter, delays in accessing the EA system, or threats of termination of EA shelter benefits.**

Today, we specifically call on you to:

**- Support the immediate identification, procurement, and funding of additional shelter capacity, both within and outside the EA system, to provide safe, non-congregate shelter placements in which families do not have to share bathrooms or eating facilities with anyone outside their family unit.** This will allow families to practice physical distancing and to isolate if they have a confirmed or presumptive COVID-19 diagnosis or known exposure. Proactively providing placements that allow for physical distancing in clean and hygienic environments is especially vital for shelter residents who are at high risk for developing life-threatening symptoms of COVID-19.

We appreciate your work to make hotel rooms, dorm rooms, and converted hospital rooms available to individuals experiencing homelessness as a tool to stem the spread of COVID-19 among unaccompanied adults experiencing homelessness. **We urge you to also utilize hotel space to provide safe shelter for children and parents experiencing homelessness, coupled with robust supportive services to ensure availability of necessities such as food, medicine, diapers, cleaning supplies, and remote case management services.**

The CARES Act devoted \$4 billion for Emergency Solutions Grants, \$5 billion for Community Development Block Grants, and \$150 billion for general community relief funds, *all* of which could be directed to providing hotel rooms and associated supportive services for children and parents experiencing homelessness – whether EA-eligible or not – and all of which allow for the reimbursement of permissible expenses incurred from the beginning of the COVID-19 crisis. Additionally, Federal Emergency Management Agency (FEMA) funds made available through the major disaster declaration *specifically* encourage the expenditure of funds for non-congregate shelter spaces to protect both vulnerable populations and the broader public health. Your administration has an opportunity to use these federal dollars to fully implement the state’s March 23<sup>rd</sup> Essential Services and Revised Gatherings Order, as it pertains to hotels.

Massachusetts could be a model for other states by simultaneously supporting both its residents who are experiencing homelessness and its furloughed hospitality workers, who otherwise would be applying for Unemployment Insurance. The use of hotel rooms, with robust supportive services, to provide safe shelter for people experiencing homelessness has been a critical component of California’s response to the COVID-19 pandemic and has contributed to the relatively slow rate of new infections in that state.

**- Provide immediate safe shelter for families experiencing homelessness, regardless of EA eligibility status.** Thousands of children and parents experiencing homelessness are not eligible for EA shelter. Only 60% of EA applications were approved in the first two quarters of FY20, and federal and DESE data show that many more families experience homelessness than are sheltered in the

EA system in any given year. For example, a family of 4 with gross monthly income exceeding \$2,511 will be denied as over-income for EA, even though such families clearly cannot afford housing in the private market here in Massachusetts.

Families that cannot access EA shelter generally survive by finding overcrowded doubled-up situations. These families are being kicked out of doubled-up living situations due to their hosts' concerns about COVID-19 safety, increasing the number of children and parents experiencing homelessness with nowhere to turn. The World Health Organization and other public health entities have noted a surge in domestic violence incidents as families comply with stay-at-home mandates in place across the country; the Commonwealth must not deny shelter to families fleeing domestic violence. To protect the health and safety of these families and of the public at large, it is imperative for the Commonwealth to ensure that adequate shelter resources are available to all families experiencing homelessness.

**- Ensure that families have uninterrupted access to the EA application process throughout the COVID crisis.** DHCD has closed in-person intake sites due to COVID-19, and currently only takes EA shelter applications through a dedicated phone line. We received reports from parents who have called the intake line and are unable to get through and/or have not received a timely call back from DHCD staff. While these reports have diminished in the last two weeks as DHCD has increased staffing and improved call routing, a phone-only system presents particular challenges to families with disabilities, limited English proficiency, and limited phone minutes, especially at a time when families cannot meet directly with advocates to get assistance in overcoming application obstacles. We also ask you to request any additional funds needed to bring staffing and phone line capacity to scale, and to assist DHCD in creating access for families to quickly and securely apply online for EA, similar to the DTA Connect system.

**- Ensure that DHCD honors the FY'20 budget language that requires DHCD to provide EA access to otherwise eligible children and parents who have not yet stayed in a place not meant for human habitation.** It is more dangerous than ever for families to be staying in emergency rooms and in overcrowded temporary double-up situations while awaiting shelter placement. We ask you to support swift passage of Representative Marjorie Decker's legislation, House Bill 1265, An Act to protect families experiencing homelessness from having to sleep in unsafe places, and support tracking and reporting requirements to ensure accountability and transparency.

**- Ensure that DHCD honors existing law that allows families to provide self-certifications when preferred third-party verifications are not easily or safely accessible, and use the presumptive placement process as a standard practice and not an exception to the rule.** DHCD should use all the tools available to streamline the EA application process and provide children and parents with needed shelter swiftly and with minimal bureaucratic barriers. DHCD has indicated that more families are being placed presumptively, while gathering additional paperwork and awaiting health and safety assessments by the Department of Children and Families. This needs to be the rule, not the exception, during the pandemic and beyond.

We ask you to support additional tracking and reporting practices to ensure transparency on which families are being denied EA, and the reasons for denials. DHCD has indicated that since shifting to a phone-only application system, an estimated 200 families have called the intake seeking shelter and services each weekday. Based on publicly available data from a sample of 8 weekdays since the office closures, only 7 families are approved each day on average, with 5 families approved presumptively on average. While we know that some of these families were not yet eligible based on the narrow EA criteria, we are concerned that the vast majority of families are turned away or delayed in receiving placements even during the pandemic. Undoubtedly, more can be done to ensure that families with no feasible alternative housing receive EA or non-EA shelter.

**- Direct DHCD to suspend EA terminations during the COVID-19 state of emergency.** No children or parents should be terminated from EA or required to participate in a hearing related to noncompliance and termination at this time, unless they have feasible, safe, alternative housing.

**- Direct DHCD to waive the existing 12-month bar on re-entering shelter to allow otherwise eligible families to be approved for EA shelter if they face a recurrence of homelessness during this pandemic.** Public health needs and the new economic reality require the state to be flexible and compassionate.

**- Direct the Department of Public Health to issue an order for the provision of non-congregate shelter and associated supportive services, so as to reduce the risk of exposure to COVID-19 for children and families experiencing homelessness, and to seek reimbursement from appropriate federal agencies or other sources.** Such an order will allow for the use of FEMA funds to provide non-congregate shelter and has been strongly encouraged by FEMA to reduce the spread of COVID-19.

We appreciate your ongoing commitment to addressing and ending the homelessness and housing crises in Massachusetts, and hope that these requests will be incorporated into a holistic coronavirus response emerging from Beacon Hill. Please contact us to share any questions, concerns, or feedback.

Sincerely,

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