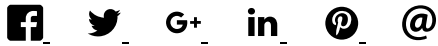


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Court stands behind effort to move homeless out of hotels

By Christian M. Wade Statehouse Reporter Oct 15, 2018



BOSTON — The state's highest court has buoyed Gov. Charlie Baker's effort to reduce the use of hotel rooms to shelter homeless families by tossing out a class-action lawsuit by a group of individuals who say the program is illegal.

In a decision last week, the Supreme Judicial Court overturned a Suffolk Superior Court order that temporarily blocked efforts to move homeless families out of hotels.

Attorney Ruth Bourquin, who represented several families on behalf of the American Civil Liberties Union of Massachusetts, argued that the state violates the federal Americans with Disabilities Act and its own right-to-shelter law by eliminating the placements.

Bourquin said the high court's ruling is a mixed bag because it at least acknowledges that hotels and motels can provide reasonable shelter for families with disabilities "in appropriate cases."

The Baker administration has expanded the number of shelters to reduce the use of hotels and motels for the homeless, though it says they're still needed as a "safety valve."

A statement released by the state Department of Housing and Economic Development on Monday said the SJC's ruling "validates the department's efforts to work closely with individual families to best meet their needs."

"The administration believes homelessness is a human tragedy and that sheltering homeless families in motel rooms is the most disruptive and least effective way of meeting this tragedy," the statement read.

Last year, Suffolk Superior Court Judge Douglas H. Wilkins ruled that efforts to move hundreds of families from hotels and motels into shelters and permanent housing was too disruptive, especially for people with disabilities. He ordered the state to house families with disabilities in a hotel if shelters couldn't accommodate their needs.

Baker, a Swampscott Republican, had vowed to reduce the number of homeless families staying in motels to zero by the end of his first term in office.

To that aim, his administration has added nearly 1,700 family housing units over the last five years as part of a broader effort to reduce homelessness.

It has also funded programs that help families at risk of becoming homeless get child care, transportation and job training.

When Baker took office in January 2015, about 1,500 families were living in hotels, at a cost of about \$50 million a year. As of Monday, 38 families were staying in one Waltham hotel, according to the Office of Housing and Community Development.

The practice of lodging families in hotels dates to the late 1990s and was revived by former Gov. Deval Patrick in 2011 as a path out of homelessness for families with school-age children. The program was supposed to be temporary.

But the policy led to friction between the state and city and town officials who complained about the burden on schools and local services. At one point, three hotels in Danvers housed 8 percent of the state's homeless population.

State officials point out that Massachusetts, as the only "right-to-shelter" state, is required to provide temporary housing for homeless families even when its nearly 2,000 beds at permanent shelters are taken, as they are most days

On any given day, the state shelters an average of 3,500 families, costing about \$180 million a year, according to budget figures.

To qualify for temporary housing, a family's income must be close to or below the federal poverty level. Its homelessness must stem from a natural disaster or illegal eviction; a family member must be a victim of domestic violence; or its members must face health and safety risks in shelters.

The law requires homeless families to be housed within 20 miles of their last address, and the state must attempt to keep children in housing close to the school district in which they were previously enrolled. Family members with disabilities must have proper accommodations, such as wheelchair accessibility.

"Just reducing hotel usage doesn't resolve the issue of homelessness," said Kelly Turley, associate director of the Massachusetts Coalition for the Homeless. "Right now, the capacity of shelters doesn't meet the demand for families that have disabilities but also those that are being placed far from their home communities, schools and support network."

Christian Wade covers the Massachusetts Statehouse for the North of Boston Media Group's newspapers and websites. Reach him at cwade@cnhi.com.



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