

Part 4

EA Appeals

18 What are your emergency assistance notice and appeal rights?

- You can appeal to the DHCD Hearings Division:
 - DHCD's failure to provide shelter or a denial of EA shelter,
 - the termination of your EA benefits,
 - a finding that you have not complied with the requirements for staying in shelter;
 - DHCD's failure to make reasonable efforts to locate emergency shelter that accommodates the size or composition of your family,
 - DHCD's failure to place your family within 20 miles of your home community or to transfer your family back within 20 miles at the earliest opportunity,
 - DHCD's failure to make every effort to ensure that a child can continue in school in her home community, and/or
 - DHCD's refusal to accommodate a disability (**Question 16**).

106 C.M.R. § 309.070(B)(1).

- In EA shelter cases, there are *only 21 days* to appeal.
- **Important:** If DHCD's Division of Hearings receives your appeal within **10 days** of the date on a shelter termination notice, you can stay in shelter until a decision is made.

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- You should appeal by faxing the appeal form on the back of your notice to DHCD's Division of Hearings. The fax number is 617-573-1515.
- You can also mail the appeal form to DHCD, Hearings Division, 100 Cambridge Street, Boston, MA 02114, but the appeal must be *received* by DHCD in the time frames discussed above, so it is safer to fax it and keep a copy of the fax report as proof. If you mail the form, keep a copy for your records and note the date you mailed it.
- If you are denied shelter and you file an appeal, the hearing is supposed to happen quickly. If your hearing date seems too far away and you have no place to stay, call the Hearings Division (toll free 1-877-418-3308) to ask for a faster hearing or contact an advocate.
- In general, DHCD must send you notice at least 10 days before cutting off your shelter benefits. (Unless you gave a different address in writing, DHCD will send notice to you at the shelter even if you are not there any more).
- Even if your shelter benefits have been continued during the appeal, DHCD may be able to transfer you to another shelter during the appeal.
- You have a right to get a copy of DHCD's documents explaining its reasons for the decision you are appealing. Getting these documents will help you prepare for your hearing. Contact your DHCD worker to get a copy.
- If at all possible, try to get an advocate to help you with your appeal. See **Appendix C** for a list of local legal services offices. The hearing officer usually decides EA shelter appeals very fast (10 days or less). If you are appealing a shelter termination and you lose the appeal, DHCD may ask you to leave shelter in as few as two days.

Advocacy Tips:

- √ If you are being transferred and appeal the transfer, you should go to the new shelter while your appeal is being decided. If you win your

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appeal, you can transfer back. Refusing to transfer before your appeal is decided could cause your shelter benefits to be terminated.

- √ You should consider filing an appeal of a notice of noncompliance, even if your shelter benefits are not yet being terminated and no other action is being taken against you. If you do not appeal the noncompliance finding when it is made, DHCD can later rely on the finding as part of the reason for terminating your shelter benefits.