Lawsuit accuses Baker administration of denying shelter to homeless families

January 14, 2017 By Aneri Pattani

Naikis Cepeda is often forced to answer a question from her children that no parent ever wants to face: why don't we have a home? The 28-year-old mother of two has confronted this question several times since her abusive husband abandoned her, leaving the family homeless.

On nights when she was denied emergency shelter from the state, Cepeda and her children slept in the waiting rooms of nonprofits and hospitals.

She tries to remind her 6-year-old daughter that their situation is only temporary, but it is hard to stem the young girl’s tears that sometimes flow from sadness and other times from anger and frustration. Cepeda finds it easier to calm her 2-year-old son, who doesn’t quite understand the family's struggle.

“I am working to be able to have a home and give my children a better life, but obviously I need help,” Cepeda wrote in an email translated from Spanish.

She says the state is not giving her the help she needs, even when it is legally obligated to do so. Cepeda is one of five mothers struggling with homelessness who have sued the state for illegally denying them shelter.

The lawsuit alleges that Governor Charlie Baker’s campaign to end the practice of putting homeless families in motels at state expense has resulted in increased hardships for a vulnerable population. Homeless parents and children who are legally entitled to immediate accommodations are being turned away because shelters are full and that state has stopped using motels as a last resort for emergency shelter, the lawsuit says. As a result, some families are forced to sleep on the floors of waiting rooms, hospitals and other locations not meant for human habitation.

The administration has opposed the thrust of the suit and defended its efforts to aid families battling homelessness.

“The Governor has repeatedly said that 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,” Paul McMorrow, a spokesman for the Department of Housing and Community Development, said in a statement.

Motels are not suitable places for families and young children, he added. “The Administration is proud of its record re-housing and re-sheltering thousands of homeless children, reducing the number of families sheltered in motel rooms from 1500, to under 160. Motel rooms are not meant for long-term occupancy, and they lack the basic necessities, such as kitchens with stoves, and living space, that children need to live healthy, fulfilling lives.”

Over the past two years, Baker administration officials have repeatedly said they are trying to improve the system so more families get help before they become homeless. According to the Boston Globe, the administration has ramped up a program that provides up to $8,000 to help pay for rent, utilities and other expenses so families can stay in their homes, or defray the costs
of staying with a friend or relative. The administration has also increased funding for a rental voucher program.

**A recurring problem**

Lawyers from Greater Boston Legal Services, who filed the suit, say the situation faced by Cepeda and the four other plaintiffs is a recurring systemic issue. Homeless families are routinely denied immediate shelter because they can’t provide certain documents, even though the law contains provisions for that.

“By not immediately placing families who are eligible or who appear to be eligible, the Department is seeking unlawfully to reduce the demand for shelter placements, which in turn enables the agency to assert that there is no longer a need for motel placements,” the lawsuit says.

This leaves families to seek shelter in bus stations, hospitals and other locations until they can gather the necessary documentation to apply for shelter.

State data shows that between July and October 2016, 269 families – 19 percent of all who received state shelter – had previously lived in a place unfit for human habitation.

“These folks are a snapshot in time of the kinds of cases that we get calls about several times a week,” said Laura Massie, one of the lawyers who filed the suit. “When so many families are experiencing this issue, then overtime it became clear to us that addressing the cases one at a time wouldn’t be sufficient.”

The suit seeks to be certified for class action, representing all families who are in the state’s emergency shelter system or eligible for it.

Massachusetts is the only state in the country that provides a right to shelter. That means when eligible families – those whose incomes are close to or below the federal poverty level – can show they are homeless for a specific set of reasons, including domestic violence, natural disaster and no-fault eviction, then the state is required to provide them housing. That can mean placing the families in shelters or motel rooms, if shelters are full.

During his 2014 campaign for governor, Baker called the use of motels for homeless families a “human tragedy,” and said he would work to end the practice. He promised to get the number of families in motels “down to zero before the end of our four years.”

State data shows he’s been making progress. Around the time Baker took office in January 2015, **1,361 families were living in motels** paid for by the state. As of Jan. 12, 102 families were staying in motels.

Advocates for the homeless generally agree with the Baker administration that motels are often an inadequate option for housing families. Such placements separate families from the social support of relatives and friends, familiar schools, clean places for kids to play, easy access to public transportation and kitchen equipment.

But some advocates now say the push to end motel use may have gone too far.

“We haven’t changed our position that hotels and motels are not appropriate places to raise children, but when shelter spaces aren’t available, families are staying in places that are much worse,” said Kelly Turley, director of legislative advocacy at the Massachusetts Coalition for the Homeless. “It’s a good goal to not need motels to shelter families, but Massachusetts is still in a space where we do need them.”
Turley fears that the state, in its zeal to get the use of motels down to zero, might discourage some eligible families from applying for emergency shelter. The process is long and requires a lot of paperwork, so some families may hit bumps along the way and be told not to waste their time applying as they won’t be eligible.

Families can slip through the cracks when offices that process applications are understaffed and overburdened, Turley said, but “because the stakes are so high, you can’t afford to have families discouraged.”

**Hoping to get back home**

Even when the state does provide shelter, many families are being sent to housing far from their original community, disrupting their lives and causing additional burdens to their situation.

After initially being denied emergency shelter, Naikis Cepeda was placed in Haverhill, more than 30 miles from Boston. She was forced to leave a job in East Boston because she could not arrive at work for her scheduled hours.

She also had to borrow a car to transport her daughter to school in Boston, where the girl risks losing her place. Between driving back and forth to the city for medical appointments and housing applications, Cepeda says she spends nearly all her welfare money on gas.

“It has become very difficult for me to be able to get out of this,” she said, “to be able to give my children a place, to be able to keep a stable job, even though I have the ability to do it and I have every intention of doing it. But I’m lacking the most basic thing: a home.”

Cepeda hopes the state will relocate her family to housing closer to Boston, even if it means staying in a motel. And she’s hoping for that change to occur quickly, so she can get back on her feet.

“I think that most of the families that want a closer placement are really hoping that it can happen as quickly as possible, taking into account that most of us are working, or we have children in school, and that it’s something we have to deal with every day,” she said.