

EOHHS Siting Guidelines and Operational Procedures
Updated November 28, 2022

EOHHS GUIDELINES

Title: EOHHS Guidelines for Agency Home Site Placement Date Issued: 1/2/2017 Effective Date: 1/2/2017 Updated Date: 11/28/2022
Approval by Marylou Sudders, Secretary Date: 1/2/17

I. PURPOSE

The purpose of these Guidelines is to (1) promote the development of integrated, community- based homes for individuals with disabilities and other vulnerable individuals; (2) support the legal rights of all individuals to live in the community of their choice; (3) assist EOHHS agencies to be responsible program managers and good neighbors; and (4) ensure that the siting of such homes promotes the goal of integrating individuals into the community.

II. SCOPE

The Executive Office of Health and Human Services is responsible for the policy development, planning and oversight of 13 health and human services agencies which serve 1 in 4 residents of the Commonwealth. EOHHS' goal is to support individuals to improve their health, build resilience and increase their independence.

An important strategy to achieve this goal involves providing access to safe affordable supportive housing for EOHHS' consumers.

These Guidelines apply to EOHHS agencies with responsibility for approval of the siting of Agency Homes. Notification and approval of Agency Homes can occur through Licensing, RFR Response, or funding. These guidelines are to be applied in accordance with state and federal housing laws. Each agency should use best efforts to comply with the Guidelines, with the acknowledgment that compliance may not be possible in certain circumstances, i.e., emergency procurements. Such circumstances must be communicated to EOHHS Director of Facilities as soon as possible.

III. DEFINITIONS

Agency Home: Housing with licensing or agency-funded supports provided or arranged by an EOHHS agency or by organizations contracted with an EOHHS agency that is occupied by defined groups of three (3) or more unrelated individuals who are consumers or clients of an

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EOHHS agency. Agency Homes may include individual apartments in an apartment complex or other multiple-unit buildings. For purposes of these Guidelines, an Agency Home does not include (i) housing that is selected or arranged by an individual, even if other unrelated persons reside there; (ii) individual housing vouchers (iii) child or adult foster care homes; or (iv) domestic violence shelters or homes.

Community Resources: Housing, stores, parks, businesses, houses of worship, public or private facilities, transit, etc. found within a neighborhood.

EOHHS: Executive Office of Health and Human Services (EOHHS)

Agency or Agencies: Any agency, department, commission, office, board, division or other body within and subject to EOHHS under G.L. c. 6A, §16. Such agencies include among others: Department of Children and Families, Department of Developmental Services, Department of Mental Health, Department of Public Health, Department of Transitional Assistance, Department of Veterans' Services, Department of Youth Services, Executive Office of Elder Affairs, Massachusetts Commission for the Blind, Massachusetts Commission for the Deaf & Hard of Hearing, Massachusetts Office for Refugees and Immigrants, and Massachusetts Rehabilitation Commission.

Siting: The location of an Agency Home subject to approval by an agency. Approval can include licensure, procurement, or funding.

IV. SITING GUIDELINES

EOHHS agencies should pursue siting options with the recognition of the legal rights of EOHHS individuals to live in their community.

Agency siting decisions should promote, to the extent possible, the full, social integration of individuals who reside in them into their community.

To the extent possible, Agency Homes should be sited in neighborhoods that provide appropriate social/community opportunities for individuals. EOHHS agencies should consider whether the availability of community resources would facilitate programming for the individuals who will reside at the location (e.g., proximity of stores, parks, businesses, churches, public or private facilities, access to public transportation or other transit options, etc.).

Agencies should explore the characteristics of the neighborhood or area proposed for siting, e.g. in a downtown/urban area, suburb, village, or small town, in order to gauge the impact on the health and safety of individuals living in the agency home and their integration into the community, and the presence of the agency home in the neighborhood or area.

V. RELATIONSHIP TO APPLICABLE LAWS

EOHHS agencies' policies for siting homes for individuals shall be in compliance with the Fair Housing Act (42 U.S.C. § 3601, et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 701), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), G.L. c. 40A, § 3 ¶¶ 2, 4, and 4 and other applicable laws and regulations.

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EOHHS agencies shall protect confidential client information, including the addresses of Agency Homes, which addresses are considered confidential information, and not subject to disclosure pursuant to the Massachusetts Public Records Law (G.L. c. 4, § 7, Twenty-sixth (c)).

EOHHS agencies covered by the Health Insurance Portability and Accountability Act of 1996 (HIPAA; Pub.L. 104–191) and its implementing regulations (45 C.F.R. § 164.501 et seq.), shall not disclose “protected health information” (PHI) without proper authorization or as otherwise permitted by applicable privacy laws and regulations. PHI may include the addresses of Agency Homes in which individuals reside.

These procedures are consistent with an EOHHS Data Sharing agreement pursuant to the Memorandum of Understanding Between and Among the Executive Office of Health and Human Services for the Commonwealth of Massachusetts and its Constituent Agencies and 101 CMR 16.00 (Personal Data Use and Permitted Disclosures By and Among the Executive Office of Health and Human Services and its Agencies), and any other agreement required to protect the privacy of individuals. EOHHS, or the Secretary’s designee, shall not disclose any confidential or protected information to the consulting agency, except with proper authorization or as otherwise permitted by applicable privacy laws and regulations.

VI. GUIDELINES IMPLEMENTATION

It is the responsibility of each EOHHS agency to implement these Guidelines at all proposed Agency Home sites consistent with all applicable statutes and regulations governing the housing rights of agency consumers and clients.

The following factors should be considered by EOHHS’ agencies as they make siting recommendations and decisions:

- Recognition of the legal rights of individuals to live in their community;
- Promote social integration of individuals into their community;
- Ensure the neighborhood provides appropriate social/community opportunities for individuals;
- Available community resources should facilitate programming for the individuals who will reside at the location (e.g., access to public transportation, stores, parks, businesses, churches, public or private facilities, etc.);
- Assess the impact on the health and safety of individuals living in the home and their integration into the community, and the likely contribution to the neighborhood or area;
- Explore the characteristics of the neighborhood or area proposed for siting, (e.g. in a downtown/urban area, suburb, village, or small town) in order to gauge the impact on the health and safety of individuals living in the home and their integration into the community, and the presence of the agency home in the neighborhood or area;
- The density of the neighborhood;
- Layout of the streets;
- Street connectivity beyond the neighborhood;
- Size of the geographic area that the neighborhood encompasses;
- Whether any known EOHHS agency homes are sited in the same area.

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VII. PROCURING AGENCY HOMES

RFRs that involve procuring or funding agency homes should include, to the extent feasible, language consistent with the following:

Community housing/group homes licensed and/or funded by the Agency should promote, to the extent possible, the full, social integration of individuals who reside in them into their community. Factors that the Agency will consider in procuring or funding community housing/group homes include:

- *The availability of community resources that will facilitate programming for the individuals who will reside at the location (e.g., proximity of stores, parks, businesses, churches, public or private facilities, access to public transportation or other transit options);*
- *The impact on the health and safety of individuals living in the home and their integration into the community;*
- *The density of the neighborhood.*

Please provide a description of how the community housing/group home meets each of these factors: [RESPONSE]

The Agency reserves the right to determine, based upon these factors that the siting of the community housing/group home does not adequately promote the full social integration of individuals who reside in them into their community.

VIII. REVIEW OF THESE GUIDELINES

These Guidelines and their implementation shall be reviewed at least every five years, and immediately upon any change to relevant federal or state law or regulation.