

Who would be evicted from family shelters by new criminal background checks? Nobody.

Policy outlines alternatives to move relatives with convictions

By [Stephanie Ebbert](#) and [Deirdre Fernandes](#) Globe Staff, Updated February 10, 2025, 5:58 a.m.



An undocumented immigrant staying at the temporary shelter at the Revere Quality Inn was arrested for the possession of an AR-15 long gun and fentanyl trafficking. JOHN TLUMACKI/GLOBE STAFF

Governor Maura Healey's new policy requiring additional criminal background checks of all adults in the state's family shelter system has one striking catch: It would not evict anyone who has a criminal record.

The policy, which went into effect in late January, calls for the family of someone convicted of a felony to be moved into more permanent housing — the same goal for all families in shelters — using state programs such as [HomeBASE](#), which provides \$30,000 in rent aid over two years.

If the family can't find outside housing, officials would ask the person with a criminal record to leave the shelter while their relatives remain, "if feasible," according to the policy. Alternatively, the state would consider moving the entire family to "a setting posing a lower level of risk to other families" within the shelter system, such as one with more staffing.

In no case does the policy require the state to immediately expel someone with a past criminal offense, even a serious one such as murder, rape, child pornography, or sex trafficking, from the family shelter system.

Kevin Connor, a spokesman for the Executive Office of Housing and Livable Communities, said that under Massachusetts' unique right-to-shelter law, the state cannot deny shelter to a member of a household based on a prior conviction without the person's consent.

The Healey administration is currently asking the Legislature to change the shelter law to narrow eligibility and cut costs but did not seek a statutory change to limit eligibility based on serious criminal offenses.

In January, the governor said the state would conduct criminal background checks to promote safety and security. Her call came shortly after an undocumented immigrant living in a Revere shelter was arrested with an [assault rifle and 10 pounds of fentanyl](#), and after her administration released long-withheld public records revealing more than 1,000

[serious incidents, including violent crimes](#), had been reported in shelters over a 20-month period that saw the program triple in size.

In March 2024, Healey had told reporters the state was conducting background checks on everyone entering the shelters. But she recently acknowledged that those did not include checks of the Criminal Offender Record Information (CORI) system, which those who volunteer at schools and hospitals must undergo. She said she had requested such checks in April, but they were never done.

Critics say Healey's new plan, like her earlier assurances, offers a false sense of security.

"If you've been convicted of a violent crime, you should not be going into these shelters," said state Senator Kelly Dooner, a Republican from Taunton. "It's our job to make sure we're providing safe housing. ... It is inadequate. We need to do more."

Background checks have been the latest flashpoint of the controversial family shelter system, which ballooned in recent years due to a spike in homelessness and an influx of migrants. The program has cost taxpayers a total of \$1.1 billion over the past two fiscal years. The House approved an additional \$425 million for the shelter system Thursday.

Government benefit programs typically don't exclude people who have criminal convictions, Healey administration officials noted, and those with records are more apt to struggle finding jobs and getting their own housing. Among formerly incarcerated people, those without stable housing are more likely to re-offend, national studies suggest.

CORI checks had not previously been a condition for the family shelter system. The state has been screening applicants for open and default arrest warrants, which can make someone ineligible for the program. The state also has been

checking all applicants against Massachusetts' sex offender registry since 2019 for disclosure purposes, though it still does not bar sex offenders from the shelters.

Plymouth County District Attorney Timothy J. Cruz, a Republican, has always been skeptical about the Democratic governor's assurances that migrants entering the shelters were being vetted.

"What kind of background checks can you possibly do on individuals who are coming here from outside countries and whether or not they complied with programs on getting into the US?" he asked in a recent interview with the Globe.

Cruz requested information from the Healey administration about those who were staying in shelters, what sorts of checks had been done, and what was found. The Healey administration declined to provide him that information without a written agreement that he would keep the data confidential, Cruz said.

"I can't sign something like that," he said. "I need to know the truth. I need to know it for purposes of court."

But Cruz was primarily seeking information the state had on migrants, and noted they are unlikely to have a criminal history in Massachusetts that would show up on a CORI check.

Migrants make up only about half of the people in the Emergency Assistance shelters.

"I think the CORI checks are going to have a greater impact on the domestic population, for sure," said Jeffrey Thielman, executive director of the International Institute of New England, a refugee resettlement organization.

Thielman, whose organization works in emergency shelters, is not averse to criminal background checks, however.

“It does feel off-putting, but you have to balance that against my concern for my staff,” he said. “I have staff working in the shelters. I want people to be safe.”

While CORI checks add a layer of safety, providers warn they only flag past convictions and pending cases within the state of Massachusetts.

The administration could have opted for the more comprehensive fingerprint-based criminal record check used for people who work directly with children — including those employed by schools, the Department of Children and Families and the Department of Early Education. That type of check is done by both the State Police and the FBI and would flag any charges nationally or internationally, including deportation and immigration proceedings.

Healey officials said Massachusetts is going further than New York City and Chicago, which don’t require background checks for their shelters. Public housing programs, which do conduct checks, only disqualify lifetime sex offenders or those convicted of producing methamphetamine on their properties.

Dooner, who has proposed legislation requiring the state coordinate background checks with the FBI and US Immigration and Customs Enforcement, said the state vetting should be comprehensive.

“Just to do a CORI check is not enough,” Dooner said.

Advocates for the homeless fear background checks will ultimately keep people out of shelter.

Elizabeth Alfred, a shelter attorney for Greater Boston Legal Services, said the state has just introduced an array of changes shelter providers do not understand.

“At the moment, they are so disorganized and doing so many things at once that I imagine that they will at various points not be very considerate on this case-by-case basis and will just kick people out if they have something on their record that they think is suspect,” Alfred said.

She and other advocates said they wouldn’t want a parent’s criminal history to keep a child from finding safe shelter, and that in any case, a past record is not predictive of someone’s future actions.

“It is not all about recidivism,” said Alyssa Golden, senior supervising attorney at Community Legal Aid. “When we as a society think that we can rely on someone’s past criminal record as the indicator of future behavior, that is just not always accurate.”

The new policy does not cover all convictions or pending charges. Only a dozen “serious crimes” warrant review, including murder; kidnapping; arson; human trafficking; child pornography and felony child abuse; felony spousal abuse; rape or sexual assault; felony assault or battery; and some drug and firearm offenses.

Someone convicted of one of those crimes would still qualify for shelter in Massachusetts without changes to placement, however, if he submits a written assessment by a qualified mental health professional or criminal justice official stating that he “does not pose an unacceptable risk of harm to others in the EA Family Shelter Program.”

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