

**SENATE . . . . . No. 1838**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Steven A. Baddour***

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to welfare reform.

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PETITION OF:

NAME:

DISTRICT/ADDRESS:

*Steven A. Baddour*

**SENATE . . . . . No. 1838**

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By Mr. Baddour, a petition (accompanied by bill, Senate, No. 1838) of Steven A. Baddour for legislation relative to welfare reform. Children, Families and Persons with Disabilities.

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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An Act relative to welfare reform.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Chapter 18 of the General Laws, as appearing in the 2008 official  
2 edition, is hereby amended by inserting after section 29 the following sections:-

3           Section 29A. The Department of State Police or a city or town police department shall  
4 conduct an investigation relative to an allegation of fraudulent or wrongful payment or service  
5 received from the Department of Transitional Assistance, whoever violates this chapter shall be  
6 punished by imprisonment in a house of correction for not more than 2 years.

7           Section 29B. For the purposes of this section, "health care provider" shall mean a  
8 registered nurse, licensed practical nurse, physician or physical assistant who is a licensed health  
9 care provider under chapter 112.

10           A health care provider who, in his professional capacity shall have reasonable cause to  
11 believe that a welfare recipient as described in Chapter 18 is fraudulently or wrongfully  
12 accepting payment or service from the Department of Transitional Assistance, shall immediately  
13 report such act to the bureau of special investigations and local and or state police department by

14 oral communication and by making a written report within seventy-two hours after such oral  
15 communication.

16 Section 29C. (a) Any person receiving assistance as outlined in Chapter 18 that is found  
17 in violation or contempt of an order, judgment, hearing decision or agreement as outlined in  
18 Chapter 276 shall immediately have their benefits suspended until said person appears in the  
19 court of justice.

20 (b) The office of probation or the clerk of courts in said jurisdiction shall be required to  
21 report these violations to the department of transitional assistance within 30 days.

22 SECTION 2. Notwithstanding any general or special law to the contrary, eligible  
23 recipients of direct cash assistance shall be prohibited from the use of direct cash assistance  
24 funds held on electronic benefit transfer cards for the purchase of alcoholic beverages or tobacco  
25 products. An individual or store owner who knowingly accepts electronic benefit transfer cards  
26 in violation of this section shall be punished by imprisonment in a house of correction for not  
27 more than 2 ? years or a fine of \$1000 or both such fine and imprisonment.

28 SECTION 3. Notwithstanding any general or special law to the contrary, whoever  
29 embezzles, willfully misapplies, steals or obtains by fraud any funds, assets or property provided  
30 by the Department of Transitional Assistance, or whoever receives, conceals or retains such  
31 funds, assets or property for his or her own interest, knowing such funds, assets or property have  
32 been embezzled, willfully misapplied, stolen, or obtained by fraud shall, if such funds, assets or  
33 property are of the value of \$100 or more, be fined not more than \$25,000 or imprisoned not  
34 more than five years, or both, or if such funds, assets or property are of a value of less than \$100,  
35 shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

36 SECTION 4. Notwithstanding any general or special law to the contrary, recipients of  
37 transitional aid to families with dependent children shall not be considered in compliance with  
38 the work requirement established under chapter 5 of the acts of 1995 by participating in unpaid  
39 internships, unpaid home-schooling of a child, or participating in vocational rehabilitation  
40 services. A pregnant woman shall be exempt from the work requirement for not more than the  
41 last 10 days of pregnancy except in the instance of a documented medical reason for exemption  
42 as determined by a licensed physician. An unemployed recipient of transitional aid to families  
43 with dependent children without a documented medical necessity exemption, shall provide  
44 documentary proof of a job search commencing within 90 days of after giving birth. No recipient  
45 of transitional aid to families with dependent children shall be considered exempt from the work  
46 requirement as a result of caring for a child not his or her own and for whom the recipient does  
47 not receive benefits. A person over 18 years of age shall not be considered a dependent child for  
48 the purposes of this program. A recipient shall be exempt from the work requirement for a period  
49 not to exceed 90 days following the birth of a non-family cap exempt child or if the recipient  
50 serves as the caretaker of a child excluded by the family cap A recipient shall not be considered  
51 exempt from the work requirement due to age prior to reaching age 65. After qualifying for and  
52 having received an initial benefits payment, a recipient shall be exempt from the work  
53 requirement for not more than 30 days while looking for and starting a qualifying work program  
54 activity. A recipient shall not be exempt from the work requirement for performing community  
55 service unless the recipient produces documented evidence of the completion of the community  
56 service to the department of transitional assistance.

57 SECTION 5. (a) Notwithstanding any general or special law to the contrary, the  
58 undersecretary of the department of housing and community development shall make a report

59 detailing recommended regulations to end the practice of housing homeless residents in hotels or  
60 motels throughout the commonwealth and the costs associated with said practice. The report  
61 shall include, but not be limited to: the recommended guidelines for usage of temporary housing  
62 alternatives which provide cost savings to the commonwealth; a timeline to eliminate the  
63 practice of using hotels and motels within 1 year of this report, the cost of school transportation  
64 from out-of-district emergency assistance placements; the cost of the usage of hotels and motels  
65 versus the cost of using shelters; and the availability of unused shelter space not currently under  
66 contract by the department. The report shall be submitted to the clerks of the senate and house of  
67 representatives and to the chairs of the house and senate committees on ways and means not later  
68 than 60 days after the effective date of this act.

69 (b) Recipients of shelter benefits provided through the program of emergency assistance  
70 pursuant to section 30 of chapter 23B of the general laws, shall be placed in hotels and motels  
71 only when other shelter units available to the department are not adequate to meet the needs of a  
72 recipient of benefits; provided, that a recipient of shelter benefits may be placed in a hotel or  
73 motel when the number of shelter units for which the department has contracted is insufficient to  
74 meet demand or when such placements are to accommodate a disability, allow placement near a  
75 home community or enable a child to continue attending school in such community, or otherwise  
76 meet the needs of an eligible family that cannot be met through placement in contracted shelter  
77 units.

78 (c) Any family placed in a hotel or motel shall receive assessment and housing search  
79 services within 10 business days of placement and regularly thereafter. When the department  
80 places any child under the age of 3 years in a hotel or motel, the department must notify the  
81 department of children and families within 24 hours of any such hotel or motel placement;

82 provided further, that the department of housing and community development shall ensure that  
83 any such family with a child under the age of 3 shall be provided with a crib for such child upon  
84 placement at the hotel or motel; provided further, that the department of children and families  
85 shall make an inspection of the room and crib provided to ensure the safety of the child; and  
86 provided further, that if the hotel or motel in which any such child under the age of 3 years is  
87 placed fails to provide such child with a safe and adequate crib, said hotel or motel may be  
88 subject to a fine not to exceed \$10,000 per violation.

89 (d) Prior to contracting with a hotel or motel to provide rooms for families receiving  
90 emergency assistance, the department shall notify the local department of health. Within 5  
91 business days of placing a family with a school aged child in a motel, the department shall notify  
92 the local school department.