

SENATE No. 2211

The Commonwealth of Massachusetts

—————
In the Year Two Thousand Fourteen
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SENATE, June 19, 2014

Report of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendments to the Senate Bill to foster economic independence (Senate, No. 1806) (amended by the House by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 3756),-- reports, in part, a “Bill to foster economic independence.” (Senate, No. 2211).

For the Committee:

Jennifer L. Flanagan
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An Act to foster economic independence.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for improvements ~~to~~for programs of the department of transitional assistance in the commonwealth, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. Section 16 of chapter 6A of the General Laws, as amended by section 1 of
2 chapter 35 of the acts of 2013, is hereby further amended by adding the following paragraph:-

3 Notwithstanding any general or special law, subject to appropriation, the integrated
4 eligibility system developed by the executive office of health and human services shall allow
5 multiple state agencies and programs to access and share data by creating data hubs and
6 streamlining information processes. Through the integrated eligibility system, the department of
7 housing and community development, housing authorities and state health and human services
8 agencies and programs, including, but not limited to, transitional aid to families with dependent
9 children, temporary assistance for needy families and MassHealth shall share and have access to
10 the data. Said departments and programs shall share information regarding cases of fraud
11 committed by recipients.

12 SECTION 2. Section 2 of chapter 18 of the General Laws, as appearing in the 2012
13 Official Edition, is hereby amended by inserting after the word “provision”, in line 3, the
14 following words:- and administration of the supplemental nutrition assistance program, with

15 benefits designed for use by participants to purchase eligible foods, including seeds and plants,
16 for home consumption and use; the provision.

17 SECTION 3. Paragraph (B) of said section 2 of said chapter 18, as amended by section 1
18 of chapter 65 of the acts of 2013, is hereby further amended by adding the following 7 clauses:-

19 (m) provide notice to households and recipients of cash assistance benefits under
20 emergency aid to the elderly, disabled and children and transitional aid to families with
21 dependent children whose benefits have not been accessed for 270 days or more that they must
22 contact the department or their benefits will be expunged. The department shall expunge and
23 recoup the balance of cash assistance benefits under emergency aid to elders, disabled and
24 children and transitional aid to families with dependent children if no response to the notice is
25 received by the department within 30 days and shall notify the recipient when the funds are
26 expunged;

27 (n) provide notice to all households and recipients of cash assistance benefits under
28 emergency aid to the elderly, disabled and children and transitional aid to families with
29 dependent children with balances higher than \$1,500 that ~~they must~~such recipients shall contact
30 the department for a case review within 30 days of receiving the notice in order to continue
31 receiving benefits or ~~their~~the recipient's benefits shall be suspended. If the recipient has a
32 balance in excess of \$2,500, and fails to complete the case review, the department shall expunge
33 and recoup any amount in excess of \$2,500. The department shall provide notice to the recipient
34 that the recipient's benefits have been suspended or expunged for failure to complete their case
35 review;

36 (o) on a biannual basis, on or before January 1 and July 1, file a report detailing the
37 following: (i) the number of households and recipients receiving cash assistance under
38 transitional aid to families with dependent children who are non-exempt from the work
39 requirement, as described in 106 CMR 203.400(A)(1)(a) to (c), inclusive; (ii) the number of
40 households and recipients receiving cash assistance under transitional aid to families with
41 dependent children who are exempt from the work requirement; (iii) the number of recipients
42 who are required to meet the work requirement and are in need of additional education, training
43 or other barrier-removal services; (iv) the number of exemptions and extensions granted to

44 recipients of cash assistance under transitional aid to families with dependent children; (v) the
45 reasons for granting any exemptions and extensions; (vi) ~~the reasons~~any reason why recipients
46 are applying for additional benefits beyond their initial 24 month period; provided, that this shall
47 include, but not be limited to, an analysis of recipients' economic independence goals, as
48 required by section 15 of chapter 118; and (vii) information regarding caseloads, including how
49 long recipients have been receiving cash assistance under transitional aid to families with
50 dependent children and how much recipients have received. The report shall not contain a
51 recipient's personal identifying information. The report shall be filed with the clerks of the house
52 of representatives and the senate who shall forward the report to the house and senate chairs of
53 the joint committee on children, families and persons with disabilities and the house and senate
54 committees on ways and means;

55 (p) on an annual basis, file a report detailing the number of cases referred to the
56 department's program integrity division and the results of each investigation. The ~~reports~~report
57 shall be filed with the clerks of the house of representatives and the senate who shall forward the
58 ~~reports~~report to the house and senate chairs of the joint committee on children, families and
59 persons with disabilities and the house and senate committees on ways and means;

60 (q) annually, on or before December 1, file a report detailing the use of economic
61 independence accounts, established pursuant to section 16 of chapter 118, ~~that have been~~ opened
62 by recipients of cash assistance under transitional aid to families with dependent children;
63 provided, that ~~this~~the report shall include, but not be limited to, the number of accounts opened
64 and the average balances in the accounts and a detailed list of reasons for expenditures from the
65 accounts. The report shall be filed with the clerks of the house of representatives and the senate
66 who shall forward the report to the house and senate chairs of the joint committee on children,
67 families and persons with disabilities and the house and senate committees on ways and means;

68 (r) annually, on or before March 1, file a report detailing the number of recipients
69 receiving cash assistance under transitional aid to families with dependent children who are
70 present in the United States under 1 of the eligible noncitizen statuses as described in 106 CMR
71 203.675 (A). The report shall be filed with the clerks of the house of representatives and the
72 senate who shall forward the report to the house and senate chairs of the joint committee on

73 children, families and persons with disabilities and the house and senate committees on ways and
74 means;

75 (s) annually, on or before March 1, file a report detailing the number of recipients exempt
76 from having a photo identification on ~~their~~any such recipient's electronic benefit transfer card
77 and the ~~reasons~~reason for ~~said exemptions~~any exemption.

78 SECTION 4. Paragraph (D) of said section 2 of said chapter 18, as appearing in the 2012
79 Official Edition, is hereby amended by adding the following 2 clauses:-

80 (g) the recording and tracking of blank electronic benefit transfer cards to ensure the
81 integrity of the cards and establish a clear chain of custody and best practices in the shipment and
82 custody of those cards; and

83 (h) the suspension of benefits to any recipient who has failed to notify the department of a
84 change of address and who the department has attempted to contact by certified mail, but whose
85 mail communication has been returned to the department as undeliverable; provided, however,
86 that the department, after receiving notice that the mail communication has been returned as
87 undeliverable or returned with a Massachusetts forwarding address, shall use all reasonable
88 means to determine the address of the recipient and, in the event that it cannot be determined,
89 subject the recipient's case to further review as to continued eligibility.

90 SECTION 5. Said chapter 18 is hereby further amended by inserting after section 2A the
91 following section:-

92 Section 2B. (a) Subject to appropriation, ~~(a)~~ the department of transitional assistance shall
93 create an educational program to be implemented in each department of transitional assistance
94 office. The educational program shall: (i) provide financial education information as described in
95 this section and assist in the development of economic independence goals under section 15 of
96 chapter 118; (ii) inform the recipient of available transportation options; (iii) identify available
97 education and training resources available to the recipient; (iv) educate the recipient about proper
98 card usage, card and PIN security and penalties for abuse or fraud associated with trafficking or
99 fraudulent representation of need of transitional aid; (v) educate the recipient about the
100 advantages of having a bank account and basic financial management; (vi) identify local job

101 opportunities, where available; and (vii) educate the recipient about other topics that the
102 department considers appropriate.

103 | **(b)** As part of the program, in consultation with the department of higher education, the
104 community college system, the public university system, and the University of Massachusetts
105 system, the department shall maintain in each local office an up-to-date list, which shall include:
106 | **(i~~a~~)** a description of all educational certificate programs and higher education programs, which
107 may be available to the recipient; **(i~~ib~~)** financial aid officials at public institutions of higher
108 education; and **(i~~ie~~)** financial aid programs, including, but not limited to, scholarships, grants,
109 loans and work study programs. The program shall also counsel children age 14 and older,
110 whose parents receive transitional aid for families with dependent children, on how to access
111 higher education without incurring debt.

112 | **(c)** As part of the program, the department shall provide recipients with a list of already
113 existing free or low-cost financial education programs. In developing the list of financial
114 education programs, the department shall collaborate with the office of the state treasurer, the
115 Massachusetts Credit Union League, the Massachusetts Bankers Association, the Midas
116 Collaborative, the Moving from Debt to Assets program and the Massachusetts Financial
117 Education Collaborative. Any financial education program included on the recommended
118 | program list shall, at a minimum, provide guidance on: **(i~~1~~)** tracking daily spending habits; **(i~~2~~)**
119 preparing a monthly budget; **(i~~3~~)** identifying ways to decrease spending; **(i~~4~~)** identifying ways
120 to increase income; **(v~~5~~)** listing and prioritizing financial goals; and **(v~~6~~)** recognizing how to
121 create a plan to achieve financial goals.

122 SECTION 6. Section 5 of said chapter 18, as appearing in the 2012 Official Edition, is
123 hereby amended by adding the following paragraph:-

124 The commissioner shall establish specialist positions within the department. The
125 specialists shall focus on providing targeted employment and training assistance to recipients that
126 the department determines have a high risk of long term dependence on state benefits and require
127 specialized assistance to achieve economic independence. These recipients shall include teen
128 parents and may include other recipients defined by the department. Each office location shall
129 have specialists. Specialists shall provide focused intervention and assistance to recipients and

130 shall have a caseload of not more than 60 recipients. The commissioner shall: track the progress
131 made by recipients who are receiving targeted assistance under this section in reaching economic
132 independence and transitioning off transitional aid to families with dependent children; track
133 each specialist's success, as determined by the department, in assisting recipients; and annually
134 report the results to the house and senate committees on ways and means and the house and
135 senate chairs of the joint committee on children, families and persons with disabilities not later
136 than December 31.

137 SECTION 7. Subsection (b) of section 5I of said chapter 18, as so appearing, is hereby
138 amended by inserting after the word "jewelry", in line 36, the following words:- ; televisions,
139 stereos, video games or consoles at rent-to-own stores.

140 SECTION 8. Said chapter 18 is hereby further amended by striking out section 5J, as so
141 appearing, and inserting in place thereof the following section:-

142 Section 5J. (a) The department shall maintain policies and practices as necessary to
143 prevent direct cash assistance ~~provided under this chapter~~ from being used in electronic benefit
144 transfer transactions at: liquor stores; casinos, gambling casinos or gaming establishments
145 licensed underpursuant to chapter 23K; retail establishments which provide adult-oriented
146 entertainment in which performers disrobe or perform in an unclothed state for entertainment as
147 defined in section 408(a) of the Social Security Act, ~~as amended~~; adult bookstores or adult
148 paraphernalia stores as defined in section 9A of chapter 40A; firearms dealers licensed
149 underpursuant to section 122 of chapter 140 and ammunitions dealers licensed underpursuant to
150 section 122B of said chapter 140; tattoo parlors; manicure shops or aesthetic shops registered
151 underpursuant to chapter 112; jewelry stores; foreign transmittal agencies licensed pursuant to
152 chapter 169; or on cruise ships. ~~Such~~Those establishments shall not accept electronic benefit
153 transfer cards. A store owner who knowingly allows a prohibited electronic benefit transfer
154 transaction in violation of this section or subsection (b) of section 5I shall be punished by a fine
155 of not more than \$500 for a first offense, by a fine of not less than \$500 nor more than \$2,500 for
156 a second offense and by a fine of not less than \$2,500 for a third or subsequent offense.

157 (b) A store owner who knowingly violates this section and who ~~also~~ possesses a license
158 to sell alcoholic beverages underpursuant to section 12 of chapter 138 shall be referred to the

159 | appropriate licensing authority for possible disciplinary action ~~under~~pursuant to section 64 of
160 | said chapter 138. A store owner possessing a license ~~under~~pursuant to said section 12 of said
161 | chapter 138 who knowingly violates this section a second or subsequent time shall have its
162 | license suspended for not less than 30 days and shall be referred to the appropriate licensing
163 | authority for possible further disciplinary action ~~under~~pursuant to said section 64 of said chapter
164 | 138.

165 | (c) A store owner who knowingly violates this section and who ~~also~~ possesses a license
166 | to sell lottery tickets under sections 26 and 27 of chapter 10 shall be referred to the director of
167 | the state lottery commission for possible disciplinary action. A store owner possessing a license
168 | ~~under~~pursuant to said section 26 or 27 of said chapter 10 who knowingly violates this section a
169 | second or subsequent time shall have such license suspended for not less than 30 days and shall
170 | be referred to the director of the state lottery commission for possible further disciplinary action.

171 | SECTION 9. Section 5L of said chapter 18, as so appearing, is hereby amended by
172 | adding the following subsection:-

173 | (f) An individual who traffics food stamp benefits, as described in subsection (b) and on 1
174 | prior occasion has been convicted of trafficking food stamp benefits pursuant to said subsection
175 | (b) or conspiracy to traffic food stamp benefits shall be punished by imprisonment in a state
176 | prison for not more than 10 years or by a fine of not more than \$25,000 or both.

177 | SECTION 10. Section 5M of said chapter 18, as so appearing, is hereby amended by
178 | striking out subsection (f) and inserting in place thereof the following subsection:-

179 | (f) A retail or wholesale organization owner who is convicted of organizational food
180 | stamp benefits trafficking and who also possesses a license to sell lottery tickets under sections
181 | 26 and 27 of chapter 10 shall have such license suspended for not less than 2 years and shall be
182 | referred to the director of the state lottery commission for possible further disciplinary action.

183 | SECTION 11. Section 10 of said chapter 18, as so appearing, is hereby amended by
184 | adding the following paragraph:-

185 | Notwithstanding any general or special law to the contrary, 60 days before promulgating
186 | or amending any regulation that would alter eligibility for, or the level of benefits provided

187 through the department, other than regulations which would benefit recipients, the department
188 shall file with the clerks of the house of representatives and senate, the house and senate
189 committees on ways and means; and the house and senate chairs of the joint committee on
190 children, families and persons with disabilities ~~and the clerks of the house of representatives and~~
191 ~~senate~~ a report describing the changes and setting forth justification for any changes.

192 SECTION 12. Section 16 of said chapter 18, as so appearing, is hereby amended by
193 inserting after the second paragraph the following paragraph:-

194 A person whose benefits have been expunged under clause (m) or (n) of section 2 shall,
195 ~~at the~~ upon request of the person, be afforded a full and fair hearing to determine whether there
196 exists a legitimate reason for the person to maintain a balance in excess of \$2,500 or for not
197 accessing the person's benefits for more than 270 days. Upon a finding by the commissioner that
198 a legitimate reason exists, the commissioner shall reinstate the expunged benefits.

199 SECTION 13. The first paragraph of section 22 of said chapter 18, as so appearing, is
200 hereby amended by adding the following sentence:- Self-declarations by applicants or recipients
201 of transitional aid to families with dependent children shall be signed under the penalties of
202 perjury and, if possible, shall not be accepted as the sole verification of categorical and financial
203 eligibility during eligibility evaluations and reviews.

204 SECTION 14. The second paragraph of said section 22 of said chapter 18, as so
205 appearing, is hereby amended by striking out the first sentence and inserting in place thereof the
206 following 2 sentences:- The department shall determine ~~which~~ what verification requirements
207 can be reasonably met by third party affidavits and shall provide notification to recipients and
208 applicants of the circumstances ~~under which~~ that third party affidavits may be used; provided,
209 however, that all work participation forms shall be verified by a third party who shall sign the
210 work participation form under the penalties of perjury. ~~The~~ For the purposes of verification, the
211 department may accept a payroll stub that contains an employer's federal employment
212 identification number ~~for the purposes of verification.~~

213 SECTION 15. Said chapter 18 is hereby further amended by adding the following 89
214 sections:-

215 | Section 31. (a) The department, in collaboration with the ~~Commonwealth~~
216 | ~~Corporation~~commonwealth corporation, shall develop a job diversion program for applicants for
217 | cash assistance under transitional aid to families with dependent children to identify applicants
218 | who have the necessary job skills and experience and match those applicants with appropriate
219 | full-time employment ~~before receiving~~prior to receiving benefits. The job diversion program
220 | shall be mandatory for all identified applicants over the age of 18 who are not attending a
221 | secondary school full-time or participating in an education or training activity, as defined in 106
222 | CMR 203.400(A)(2)(i); provided, however, that the program shall not be mandatory for an
223 | applicant ~~who is~~ exempt from the work requirements under 106 CMR 203.400(A)(1)(a) to (c),
224 | inclusive; and provided further, that the program shall not be mandatory for an applicant ~~who is~~
225 | participating in a substance abuse treatment program while in a substance abuse shelter or other
226 | ~~inpatient~~in-patient program.

227 | (b) The program shall identify able-bodied applicants who are capable of working and
228 | attempt to match them with jobs prior to receiving benefits. For those identified applicants ~~who~~
229 | ~~are~~ not connected with full-time employment prior to receiving cash assistance, the department
230 | shall provide a written finding as to why the job diversion program was not successful ~~and~~
231 | ~~the~~The findings shall be part of the applicant's case file. An applicant ~~who is~~ otherwise eligible
232 | for assistance shall not be denied temporary benefits while awaiting job diversion placements.

233 | Section 32. The department shall require ~~mandatory~~ participation in the pathways to self-
234 | sufficiency program, established ~~under~~pursuant to section 3C of chapter 118, for all identified
235 | applicants over the age of 18 who are not attending a secondary school full-time, participating in
236 | an education or training activity, as defined in 106 CMR 203.400(A)(2)(i); provided, however,
237 | that the program shall not be mandatory for an applicant ~~who is~~ exempt from the work
238 | requirements pursuant to 106 CMR 203.400(A)(1)(a) to (c), inclusive; and provided further, that
239 | the program shall not be mandatory for an applicant ~~who is~~ participating in a substance abuse
240 | treatment program licensed or approved by the department of public health while the applicant is
241 | in a substance abuse shelter or other inpatient program. The department shall monitor the
242 | participation of applicants in ~~the~~ educational or training programs ~~to which~~ they are referred to,
243 | and the applicant shall provide documentation to the department of such participation. An
244 | applicant who is otherwise eligible for TAFDC assistance shall not be denied temporary benefits

245 while awaiting employment placement under the program; provided, however that benefits shall
246 be suspended if employment documentation is not provided to the department in a timely
247 manner.

248 Section 33. The department shall require applicants or recipients of cash assistance to
249 provide their social security number upon application; provided, however, that this section shall
250 not apply to recipients who are present in the United States under 1 of the eligible noncitizen
251 statuses as described in 106 CMR 203.675(A) or 106 CMR 320.620(A) or a victim of domestic
252 violence who has a pending petition for legal status under the federal Violence Against Women
253 Act; provided further, that the department shall provide a 3 month placeholder social security
254 number for applicants or recipients who are expecting mothers in the third trimester of pregnancy
255 or a child under 4 months of age. Failure to provide a valid social security number within 3
256 months shall result in the suspension of benefits until a valid social security number is provided
257 and verified by the department. The department shall promulgate regulations in accordance with
258 this section.

259 Section 34. The department shall require all training and employment service programs,
260 contracted through the department, to track the outcomes of individuals served by the program
261 for at least 1 year after transitioning into employment. The department shall determine the
262 number of ~~individuals that each~~individuals each employment service program is required to
263 track.

264 Section 35. The department shall ensure ~~that~~ when ~~recipients~~a recipient of cash assistance
265 ~~call~~contacts the department via telephone during normal business hours ~~they are~~the recipient is
266 able to speak with a caseworker.

267 Section 36. (a) The department, in consultation with the bureau of program integrity,
268 established pursuant to section 16V of chapter 6A, shall develop a fraud detection program. The
269 fraud detection program shall analyze the risk of fraud and refer any cases of suspected fraud to
270 the program integrity division and the bureau of special investigations in the office of the state
271 auditor.

272 (b) In analyzing risk of fraud and identifying cases for investigation, the program shall consider:
273 (i) even- dollar transactions; (ii) full- benefit withdrawal; (iii) usage patterns; (iv) high electronic

274 benefit transfer card balances; (v) repeated duplicate electronic benefit transfer card requests; (vi)
275 purchases of prohibited items; (vii) other relevant data sources; (viii) reports to case workers of
276 potential fraud; and (ix) instances of the use of direct cash assistance in states other than
277 Massachusetts, New Hampshire, Connecticut, Rhode Island, New York, Vermont and Maine. ~~In~~
278 ~~order to~~

279 (c) To assist the program in identifying and investigating likely cases of fraud, the department
280 shall develop and make available reports identifying: (i) even-dollar transactions by cardholder; (ii)
281 (ii) instances of full-benefit withdrawal; (iii) high electronic benefit transfer card balances; (iv)
282 duplicate electronic benefit transfer card requests; (v) purchases of prohibited items and (vi)
283 other data reports, biannually.

284 Section 37. The department shall allow applicants or recipients, who are employed, a
285 monthly \$150 work-related expense deduction from gross wages in determining eligibility and ~~in~~
286 ~~determining~~ the amount of the cash assistance grant. The department shall promulgate
287 regulations in accordance with this section.

288 Section 38. ~~Notwithstanding any general or special law to the contrary, the~~The
289 department shall not approve an application for new benefits for any person required to register
290 pursuant to sections 178C to 178P, inclusive, of chapter 6 and who has failed to register until the
291 individual registers as required by said sections 178C to 178P, inclusive, of said chapter 6;
292 provided, however, that prior to the denial of benefits, the department shall provide the applicant
293 with notice of the applicant's failure to register pursuant to said sections 178C to 178P, inclusive,
294 of said chapter 6 and a reasonable opportunity to be heard.

295 ~~SECTION~~ Section 39. The department shall develop protocols for coordinating
296 information with federal, state and local law enforcement agencies and the administrative office
297 of the trial court regarding recipients of publicly-funded benefits who are the subject of felony
298 warrants. The protocols shall be designed to use the department's records to facilitate proper
299 notice to the individual and the department shall, upon request, provide all relevant information
300 to any such law enforcement or the court to facilitate the timely resolution of the warrant.

301 SECTION 16. Subsection (b) of section 21 of chapter 62C of the General Laws, as
302 appearing in the 2012 Official Edition, is hereby amended by adding the following clause:-

303 (27) the disclosure of tax return information for individuals or households to an agency of
304 the commonwealth, if the agency certifies that the information is relevant to determining the
305 eligibility of an individual or household for benefits, which are provided by the agency.

306 SECTION 17. Section 3 of chapter 118 of the General Laws, as so appearing, is hereby
307 amended by striking out, in line 35, the words “division of employment and training” and
308 inserting in place thereof the following words:- department of career services.

309 SECTION 18. Said chapter 118 is hereby further amended by inserting after section 3A
310 the following 2 sections:-

311 Section 3B. ~~Subject to appropriation, the~~The department, in collaboration with the
312 ~~Commonwealth Corporation~~commonwealth corporation, shall establish an employment
313 counseling and job training program to ensure appropriate training for recipients of cash
314 assistance under transitional aid to families with dependent children. The department, in
315 consultation with the ~~Commonwealth Corporation~~commonwealth corporation, shall work with
316 ~~the~~ community colleges, vocational schools, one-stop career centers, adult basic education
317 programs, adult college transition programs and other workforce training programs to identify
318 and develop, if necessary, employment training programs and resources, including programs and
319 resources that meet participants’ language and cultural needs and refer applicants to these
320 programs or resources; provided further, that the program shall include, but not be limited to: (1)
321 job coaching; (2) assistance in resolving workplace disputes; (3) life skills development; (4)
322 transportation assistance; (5) counseling; (6) tutoring; (7) support services referrals; (8) tax
323 information forms regarding state and federal earned income tax credits; and (9) any other
324 activities that may to assist recipients through the first year after transitioning into employment.

325 Section 3C. (a) ~~Subject to appropriation, the~~The department, in consultation with the
326 ~~Commonwealth Corporation~~commonwealth corporation, shall establish the pathways to self-
327 sufficiency program ~~designed~~ to promote financial independence for recipients of transitional aid
328 to families with dependent children, hereinafter referred to as TAFDC, by coordinating the
329 placement of recipients with regional employers through employment agencies, including one-
330 stop career centers, with the goal of permanent employment. The program ~~shall be known as the~~
331 ~~pathways to self-sufficiency program and~~ shall identify applicants with relevant job skills and

332 experience, then match those applicants with appropriate employment for the required number of
333 hours, as specified in 106 CMR 203.400(A)(5). Applicants shall be referred to the ~~pathways to~~
334 ~~self-sufficiency~~ program, following an intake and employment assessment process.

335 (b) The department, in consultation with the ~~Commonwealth Corporation~~ commonwealth
336 corporation, shall create selection criteria and guidelines for employment agencies seeking to
337 participate in the placement of applicants, including, but not limited to: (1) experience with job-
338 seeking difficulties facing recipients of public assistance; (2) demonstrated ability to identify and
339 overcome barriers to employment; (3) geographic diversity; (4) experience with members of
340 diverse populations and individuals who do not speak English; (5) a willingness to accommodate
341 job seekers with dependent children or family members; and (6) a proven track record of job
342 placement and retention.

343 (c) For identified applicants who are not connected with appropriate employment within
344 60 days of applying for TAFDC benefits, the department shall provide a written finding as to
345 why the pathways to self-sufficiency program was not successful, ~~which~~. The finding shall be
346 part of the applicant's TAFDC case file.

347 (d) The department shall annually file a report, in consultation with the ~~Commonwealth~~
348 ~~Corporation~~ commonwealth corporation, detailing the number of households and recipients
349 receiving cash assistance under TAFDC who are participating in the pathways to self-sufficiency
350 program who can reasonably be moved into gainful employment within 12 months of applying
351 for TAFDC benefits. This report shall include, but not be limited to: (1) the cost of implementing
352 the components of the pathways to self-sufficiency program; (2) the estimated placement cost
353 per participant; (3) job placement and retention rates; (4) the extent to which appropriate
354 activities and supports were available to recipients; (5) the components of the pathways to self-
355 sufficiency program that were implemented in light of available resources and appropriations;
356 and (6) the reasons recipients were unsuccessful in obtaining gainful employment within 12
357 months. The report shall be filed with the clerks of the house of representatives and the senate
358 who shall forward the report to the house and senate chairs of the joint committee on children,
359 families and persons with disabilities and the house and senate committees on ways and means.

360 (e) The department shall promulgate regulations in accordance with this section.

361 | SECTION 19. Said chapter 118 is hereby further amended by adding the following 78
362 | sections:-

363 | Section 12. A temporary absence from the commonwealth which exceeds 30 calendar
364 | days or 90 days in aggregate over the course of a calendar year shall create a rebuttable
365 | presumption that Massachusetts residency has been abandoned by a recipient of cash assistance
366 | under transitional aid to families with dependent children and that the recipient is no longer
367 | eligible for assistance. The department shall promulgate regulations in accordance with this
368 | section, including, but not limited to, the process by which the temporary absence shall be
369 | determined.

370 | Section 13. (a) During the initial qualification process for full cash assistance under
371 | ~~Transitional Aid~~transitional aid to ~~Families~~families with ~~Dependent Children~~dependent children,
372 | all adult applicants who are not exempt from the work requirement shall be required to conduct
373 | an initial job search unless the applicant has good cause for not participating as determined by
374 | the department which may include disability; provided further, that an applicant shall not be
375 | disqualified from receiving temporary assistance during the cash assistance eligibility
376 | determination process.

377 | (b) The department shall inform all applicants required to conduct an initial job search of
378 | available local job placement service providers. Applicants shall provide evidence of this search
379 | by returning to the department a list of the potential employers contacted recently, the date of
380 | contact and the name and telephone number of the person with whom the applicant spoke, to the
381 | extent feasible. All initial job search documentation shall be signed by the applicant under the
382 | penalties of perjury. The number of potential employers to be contacted by the applicant shall be
383 | determined by the department. An applicant shall provide the information prior to the applicant's
384 | case approval. The submission to the department of proof of job search activities issued by a
385 | one-stop career center within the department of career services shall satisfy the requirements of
386 | this subsection.~~before the applicant's case approval.~~ An applicant who fails to provide this
387 | information within 60 days of filing the application shall be determined to be ineligible. The
388 | department shall promulgate regulations in accordance with this subsection.~~The submission to~~
389 | ~~the department of proof of job search activities issued by a one-stop career center within the~~
390 | ~~department of career services shall satisfy the requirements of this subsection.~~

391 (c) The department shall require adult recipients, who are meeting their work requirement
392 through a job search under the pathways to self-sufficiency program established pursuant to
393 section 3C, to provide, on a weekly basis, evidence of job searches by returning to the
394 department a list of the employers contacted, the date of contact and the name and telephone
395 number of the person with whom the applicant spoke, to the extent feasible. The requirements of
396 this subsection shall be deemed satisfied upon submission to the department of proof of job
397 search activities issued by a one-stop career center within the department of career services. The
398 department shall terminate cash assistance under transitional aid to families with dependent
399 children for a recipient who fails to provide such accurate information; provided, however, that
400 the department shall not terminate the cash assistance provided to the recipient's dependent
401 children. The department shall promulgate regulations in accordance with this subsection.

402 Section 14. The department shall not calculate a separate 60 month benefit period for an
403 individual who receives aid under transitional aid to families with dependent children if the
404 individual is part of a 2 parent assistance unit. The department shall promulgate regulations in
405 accordance with this section.

406 Section 15. The department shall develop economic independence goals for all recipients
407 of cash assistance under transitional aid to families with dependent children to be completed
408 during the recipient's first 24 month period of receiving benefits. The economic independence
409 goals shall assist a recipient in determining a path through which the recipient may become self-
410 sufficient. Recipients who re-apply for benefits at any time after the first 24 month period shall
411 ~~be required to~~ demonstrate a good faith attempt to meet their goals prior to receiving additional
412 benefits or an extension of benefits. Recipients who fail to demonstrate a good faith attempt to
413 meet all of their goals shall not receive additional benefits or an extension of benefits; provided,
414 however that this section shall not prohibit a recipient from receiving benefits on behalf of a
415 dependent child.

416 Section 16. (a) The department shall develop a savings program that allows recipients of
417 cash assistance under transitional aid to families with dependent children to accumulate assets
418 outside of the asset limit in savings accounts, called economic independence accounts. The
419 economic independence accounts shall be used to help recipients save for the first and last month
420 of rent, a security deposit, costs related to education or training or any other expense that the

421 department determines will aid a recipient in transitioning off of benefits, which may include
422 health care costs or debt reduction. The economic independence accounts shall not be included
423 as a countable asset under 106 CMR 204.120.

424 (b) For recipients of cash assistance under transitional aid to families with dependent
425 children who elect to participate in the savings program, the department shall require a
426 designated amount of a recipient's cash assistance to be held in an escrow account for the
427 recipient until the recipient is no longer eligible or in need of benefits; provided further, that the
428 department shall allow a recipient to deposit additional funds to the account. While a recipient is
429 receiving benefits, funds in the economic independence account shall only be withdrawn for a
430 department approved purpose. If a recipient, who is currently receiving benefits, uses funds from
431 an economic independence account for any purpose other than a department approved purpose,
432 the department shall reduce the recipient's monthly cash assistance until the cumulative
433 reductions are equal to the amount used for a non-allowable purpose. The department shall
434 promulgate regulations in accordance with this section; provided that the commissioner shall
435 submit any proposed regulations to the joint committee on children, families and persons with
436 disabilities and the house and senate committees on ways and means at least 30 days before their
437 adoption by the department.

438 Section 17. The department shall require unverified applicants for cash assistance for a
439 dependent under transitional aid to families with dependent children to provide proof of income
440 and assets. For the purposes of this section, an unverified applicant shall mean an applicant who
441 has not provided the required information about citizenship or immigration status.

442 Section 18. Notwithstanding 106 CMR 203.400(A)(2)(i) or any general or special law to
443 the contrary, an education or training activity, for the purpose of meeting the work requirement,
444 shall be defined as ~~any 4-year~~ degree granting higher education institution, community college
445 or certificate program, not to exceed 24 months, or a vocational education program, not to
446 exceed 12 months. If the education or training activity is less than the hours per week required to
447 meet the work requirement, the recipient shall perform other work program activities to total the
448 required hours per week.

449 Section 19. A pregnant teen who meets all other eligibility requirements shall be eligible
450 to live in a teen parent shelter or participate in a teen living program during such pregnant teen's
451 entire pregnancy and shall be eligible to receive cash assistance under transitional aid to families
452 with dependent children if the pregnant teen meets the school attendance requirements in 106
453 CMR 203.610 and 106 CMR 203.630.

454

455 SECTION 20. Chapter 121B of the General Laws is hereby amended by inserting after
456 section 32F the following section:-

457 Section 32G. A temporary absence from the commonwealth which exceeds 30 calendar
458 days or 90 days in aggregate over the course of a calendar year shall create a rebuttable
459 presumption that Massachusetts residency has been abandoned by a recipient of state or
460 municipally-funded or subsidized housing and that the recipient is no longer eligible for such
461 assistance ~~underpursuant to~~ this chapter. The department shall promulgate regulations in
462 accordance with this section, including, but not limited to, the process by which the 90 days shall
463 be monitored.

464 SECTION 21. The definition of "Child of record" in subsection (a) of section 110 of
465 chapter 5 of the acts of 1995 is hereby amended adding the following words:- ; provided,
466 however, that the commissioner shall develop specific criteria for approving exemptions or
467 waivers to the family cap provision for extraordinary circumstances and shall only grant an
468 exemption or waiver when the specific criteria is met.

469 SECTION 22. Subsection (b) of said section 110 of said chapter 5, as amended by section
470 308 of chapter 159 of the acts of 2000, is hereby further amended by striking out the words
471 "provided, however, that the fair market value of any licensed motor vehicle does not exceed an
472 amount determined by the commissioner in consultation with the secretary of the executive
473 office of transportation and construction and the equity value of any licensed motor vehicle does
474 not exceed \$5,000; provided, further, that any value in excess of said five thousand dollars shall
475 be attributed toward said family's countable resources" and inserting in place thereof the
476 following words:- provided, however, that an assistance unit shall be allowed 1 non-luxury
477 vehicle the value of which does not exceed \$15,000; provided further, that any value in excess of

478 \$15,000 shall be attributed toward the family's countable resources; and provided further, that
479 the commissioner, deputy commissioner or an assistant commissioner may grant a full or partial
480 written waiver for a vehicle valued in excess of \$15,000 that the commissioner, deputy
481 commissioner or assistant commissioner determines is necessary for a particular employment or
482 family circumstance.

483 SECTION 23. Said subsection (b) of said section 110 of said chapter 5, as so amended, is
484 hereby amended by adding the following paragraph:- The department shall exclude from a
485 family's countable resources any earned income of dependent children of the family who are
486 working part-time while attending school full time. The department shall promulgate regulations
487 in accordance with this section, including, but not limited to, updating 106 CMR 204.210(D)(2).

488 SECTION 24. Subsection (e) of said section 110 of said chapter 5 is hereby amended by
489 striking out clauses (1) and (2) and inserting in place thereof the following 2 clauses:-

490 (1) recipients who are disabled, as defined by the federal Social Security Act, 42
491 U.S.C.A. § 423 (d) or, in the commissioner's discretion, a recipient who has been determined by
492 the commonwealth's disability evaluation service to have a disability that meets or equals
493 medical standards established by the department or substantially reduces the recipient's ability to
494 support the recipient's children taking into account the individual's age, education and work
495 experience; provided that in families with 2 parents, both parents are disabled; provided further,
496 that to the extent permitted by federal law, the word "disabled" shall not include recipients who
497 are dependent on alcohol or drugs or whose disability is based in whole or in part on previous
498 dependency. A recipient who requests an exemption under this clause shall, as a condition of
499 continued eligibility for transitional aid to families with dependent children, apply for
500 supplemental security income (SSI) and, if requested by the department, appeal a denial of SSI
501 benefits. Recipients who do not comply with the department's request to apply for SSI or appeal
502 a decision shall not be granted a work exemption under this clause.

503 (2) recipients who must care for a disabled child or spouse. A recipient who requests
504 an exemption under this clause shall apply for SSI benefits on behalf of the disabled child or
505 spouse.

506 SECTION 25. Clause (3) of said subsection (e) of said section 110 of said chapter 5 is
507 hereby amended by striking out the words “recipients in their third trimester of pregnancy” and
508 inserting in place thereof the following words:- recipients in their thirty-third week or later of
509 pregnancy, recipients in their third trimester of pregnancy who have submitted documentation
510 signed by a primary care provider, as defined in section 1 of chapter 111 of the General Laws, or
511 an obstetrician, gynecologist, nurse-midwife or family practitioner registered and certified under
512 chapter 112 of the General Laws, that the recipient has a medical condition that prevents the
513 recipient from working.

514 SECTION 26. The fourth paragraph of subsection (f) of said section 110 of said chapter 5
515 is hereby amended by inserting after the word “extended”, in line 2, the following words:- ;
516 provided, however, that an extension of benefits shall not exceed 3 months.

517 SECTION 27. The first paragraph of subsection (j) of said section 110 of said chapter 5,
518 as appearing in section 218 of chapter 149 of the acts of 2004, is hereby amended by striking out,
519 in line 9, the word “older;” and inserting in place thereof the following words:-

520 older. The department shall exempt from the work requirement a recipient who is age 66
521 or older; provided, however, that a recipient who is age 60 or over, who is the primary caregiver
522 for a child and who was retired prior to applying for benefits shall be exempt from the work
523 requirement; and provided further, that the department shall promulgate regulations in
524 accordance with this sentence, including, but not limited to, updating 106 CMR
525 203.100(A)(1)(h).

526 SECTION 28. Said subsection (j) of said section 110 of said chapter ~~5 is~~ is hereby
527 further amended by inserting after the second paragraph, as so appearing, the following
528 ~~paragraph~~ paragraphs:-

529 An individual receiving cash assistance under transitional aid to families with dependent
530 children who is not exempt from the work requirement as determined through regulations
531 promulgated by the department may meet the work requirement by participating in an education
532 or training activity for up to the required hours per week as determined by the department. The
533 education or training activity shall not exceed 24 months; ~~provided, however, that the~~.

534 | The department may extend the duration of the education or training activity eligible to
535 | meet the work requirement if the department determines, using performance standards
536 | established by the department, that the individual is making substantial progress towards
537 | completion of a certificate or degree program; ~~provided further, that if.~~ If the department
538 | determines that an individual is not making substantial progress towards completion of a
539 | certificate or degree program the individual shall no longer be eligible for the exemption. The
540 | department shall promulgate regulations in accordance with this section.

541 | SECTION 29. Subsection (l) of said section 110 of said chapter 5, as amended by section
542 | 157 of chapter 43 of the acts of 1997, is hereby amended by adding the following paragraph:-

543 | (16) To reduce or eliminate the amount of contributions or payments made by employers
544 | and applicants participating in the full employment program, toward the cost of qualified medical
545 | insurance, employers and applicants who participate in the program shall receive insurance
546 | reimbursement ~~underpursuant to~~ section 9C of chapter 118E of the General Laws.- The insurance
547 | reimbursement shall be provided to employers participating in the program regardless of whether
548 | the employer employs more than 50 employees or meets the other requirements of an “eligible
549 | employer” ~~underpursuant to~~ said section 9C of said chapter 118E or under the regulations. The
550 | insurance reimbursement shall be provided to any recipient employed through the program
551 | regardless of whether the recipient is an eligible employee under said section 9C of said chapter
552 | 118E. Reimbursements to employers under this paragraph shall be in accordance with subsection
553 | (4) of said section 9C of said chapter 118E, but shall not be subject to limitation by MassHealth
554 | in accordance with paragraph (C) of subsection (2) of said section 9C of said chapter 118E.
555 | Reimbursements to recipients ~~underpursuant to~~ this paragraph shall not be subject to paragraph
556 | (A) of subsection (2) of said section 9C of said chapter 118E, but shall be in accordance with a
557 | fee schedule set forth in regulations promulgated by MassHealth in consultation with the
558 | department of transitional assistance. Reimbursements under this section shall be subject to all
559 | other applicable requirements of said section 9C of said chapter 118E.

560 | SECTION 30. Section 121 of said chapter 5 is hereby amended by striking out, in lines 3,
561 | 8 and 25, the word “fourteen” and inserting in place thereof, in each instance, the following
562 | figure:- 16.

563 SECTION 31. Said section 121 of said chapter 5 is hereby further amended by adding the
564 following clause:-

565 ~~———— (3) For the purposes of this section, participation~~ (3) Participation in an alternative
566 education program or a general education development preparation and training program shall
567 meet the school attendance requirement.

568 SECTION 32. Notwithstanding any general or special law to the contrary, the department
569 of transitional assistance shall develop, implement and maintain a plan to reduce the use of paper
570 records and documentation and to eliminate the sole reliance on such paper records for its
571 operations. The plan shall progressively eliminate the need to use hard copies of forms. The
572 department shall submit quarterly reports to the clerks of the house of representatives and the
573 senate on its progress. The first report shall be filed not later than December 1, 2014.

574 SECTION 33. Notwithstanding any general or special law to the contrary, the department
575 of housing and community development shall allow the Worcester Housinghousing authority to
576 operate the authority's ~~A Better Life~~ a better life program, so called, in state-subsidized housing.

577 ~~———— SECTION 34. Notwithstanding any general or special law to the contrary, a pregnant
578 teen who meets all other eligibility requirements shall be eligible to live in a teen parent shelter
579 or participate in a teen living program during her entire pregnancy and shall be eligible to receive
580 cash assistance under transitional aid to families with dependent children if she meets the school
581 attendance requirements set forth in 106 CMR 203.610 and the requirements set forth in 106
582 CMR 203.630.~~

583 ~~———— SECTION 35. Notwithstanding any general or special law to the contrary, the
584 department of transitional assistance_~~

585 _____

586 ~~———— SECTION 34. shall develop protocols for coordinating information with federal, state
587 and local law enforcement agencies and the administrative office of the trial court regarding
588 recipients of publicly funded benefits who are the subject of felony warrants. The protocols
589 shall be designed to use the department's records to facilitate proper notice to the individual and~~

590 | ~~the department shall, upon request, provide all relevant information to any such law enforcement~~
591 | ~~or the court to facilitate the timely resolution of the warrant.~~

592 | ~~SECTION 36.~~ Notwithstanding any general or special law to the contrary, the department
593 | of transitional assistance, in consultation with the Commonwealth Corporationcommonwealth
594 | corporation, shall revitalize the full employment program, established by section 110 of chapter
595 | 5 of the acts of 1995, in which recipients, subject to criteria and eligibility rules established by
596 | the department, shall be provided with employment in a manner which promotes self-sufficiency
597 | and which shall provide work experience to improve the recipient's competitive position in the
598 | workforce.

599 | SECTION 3735. Notwithstanding any special or general law to the contrary, the secretary
600 | of administration and finance shall study the administration and efficacy of the current benefit
601 | systems and programs in the commonwealth and the resource inputs of said benefit system and
602 | programs, including, but not limited to, the following: electronic benefit transfer, supplemental
603 | nutrition assistance program, section 8 housing, low income home energy assistance program,
604 | extending the earned income tax credit, the extension of a child and dependent care tax credit,
605 | and any other programs deemed appropriate by the secretary that move individuals out of
606 | poverty and into situations of economic independence and autonomy. The study shall be
607 | conducted in consultation with the commissioner of the department of transitional assistance, the
608 | commissioner of the department of housing and community development and other executive
609 | agencies as the secretary deems appropriate. The secretary shall provide an opportunity for
610 | comments and input from members of the public and general court on or before January 1, 2014,
611 | provided that such opportunity shall include at least 1 public hearing. The secretary shall report
612 | on the findings of the study to the clerks of the house of representatives and senate and the house
613 | and senate committees on ways and means on or before January 5, 2015.

614 | SECTION 3836. Notwithstanding any general or special law to the contrary, as federally
615 | permissible, the department of transitional assistance and the department of elementary and
616 | secondary education shall develop and implement a statewide system to verify school
617 | attendance.

618 | SECTION ~~39~~37. Notwithstanding any general or special law to the contrary, the
619 | department of transitional assistance shall issue a report to establish a cashless system by January
620 | 1, 2019.

621 | SECTION ~~40. The~~38. Wherever required, the department of transitional assistance, ~~if~~
622 | ~~required,~~ shall seek a federal exemption or waiver in order to implement this act.

623 | SECTION ~~41~~39. The department of transitional assistance shall promulgate regulations
624 | to implement this act.

625 | SECTION ~~42~~40. Sections 6, 15, 18 to 21, inclusive, and 29 shall take effect 90 days after
626 | the effective date of this act: provided, however that section 39 of chapter 18 of the General
627 | Laws as added by section 15 shall take effect upon passage of this act.