

HOUSE No. 175

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act ensuring equal access to services for all residents of the Commonwealth..

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 30 of the General Laws is hereby amended by adding

2 after section 64 the following new section: —

3 Section 65. (a) For the purposes of this section the following terms shall mean:

4 Program: any program, project or activity for the provision of services, financial aid, or
5 other benefits to individuals. This shall include, but not be limited to, education or training,
6 employment, health, welfare, rehabilitation, housing or other services, whether provided directly
7 by the recipient of funds of the commonwealth or provided by others through contracts or other
8 arrangements with the recipient.

9 Recipient: any political subdivision of the commonwealth or instrumentality thereof,
10 including quasi-public commissions, or any public or private agency, institution or organization,
11 or other entity, or any individual, in any political subdivision of the commonwealth to whom
12 funds of the commonwealth are extended, either directly or through another recipient, for any
13 program.

14 Recipient shall include any successor, assignee, or transferee thereof. It shall not include
15 any ultimate beneficiary under such program.

16 (b) It shall be the policy of the commonwealth to support and encourage any residents in
17 their attempt to obtain legal immigration status and, if they choose, citizenship. Nothing in this
18 section shall prohibit an agency or employee of the commonwealth or recipient of
19 commonwealth funds from requesting information or documentation regarding immigration
20 status to the extent necessary to assist an individual in resolving an immigration question when
21 such assistance is part of a program's activities and is consistent with this subsection.

22 (c)(1) No regulation, rule, or other requirement may be imposed by any agency or
23 employee of the commonwealth nor by a recipient of funds from the commonwealth which
24 denies any assistance, benefit, payment, service, or participation in any program or activity on
25 the basis of alienage or immigration status, except as required by federal or state statute, or court
26 decision.

27 (c)(2) No agency or employee of the commonwealth nor any recipient of commonwealth
28 funds shall request information about, investigate, or assist in the investigation of the alienage or
29 immigration status of any person unless such inquiry or investigations required by federal or
30 state statute, or court decision; nor shall any such individual or entity disseminate information
31 regarding the citizenship or residency status of any person unless required to do so by federal or
32 state statute, or court decision; nor shall any such individual or entity condition the provision of
33 any assistance, benefit, payment, service, or participation in any program or activity on the basis
34 of alienage or immigration status, unless required to do so by federal or state statute, court

35 decision, or except insofar as may be lawfully imposed on those persons who are committed to
36 the custody of the department of corrections.

37 (d) Nothing in this section shall prohibit an agency or employee of the commonwealth or
38 a recipient of commonwealth funds from requesting information or documentation regarding
39 alienage or immigration status to the extent necessary to secure federal reimbursement for a
40 specific program.