

**HOUSE . . . . . No. 175**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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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.