

HOUSE No. 1139

The Commonwealth of Massachusetts

PRESENTED BY:

Elizabeth A. Malia

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 home and healthy families.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Thomas M. Menino</i>	<i>Boston City Hall, 9th Floor Boston, MA</i>	
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	
<i>Carlo Basile</i>	<i>1st Suffolk</i>	
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>1/29/2013</i>
<i>Gloria L. Fox</i>	<i>7th Suffolk</i>	<i>1/31/2013</i>
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>	<i>1/21/2013</i>
<i>Martha M. Walz</i>	<i>8th Suffolk</i>	<i>1/29/2013</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	
<i>Denise Andrews</i>	<i>2nd Franklin</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>	
<i>Cory Atkins</i>	<i>14th Middlesex</i>	
<i>John J. Mahoney</i>	<i>13th Worcester</i>	

HOUSE No. 1139

By Ms. Malia of Boston, a petition (accompanied by bill, House, No. 1139) of Thomas M. Menino and others for legislation to establish a health hardship mobile housing voucher program. Housing.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to home and healthy families.

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 23B of the General Laws is hereby amended by inserting after
2 section 30 the following section:-

3 Section 31. (a) Subject to appropriation, the department shall administer a health
4 hardship mobile housing voucher program to assist needy families with children and pregnant
5 women with no other children. To qualify for the voucher program, the family or pregnant
6 woman must live in a household in which at least one member has a documented history of a
7 serious health condition that makes it difficult for the individual or family to maintain housing.
8 A serious health condition shall be defined as an illness, injury, impairment or physical or mental
9 condition that involves inpatient care or continuing treatment by a health care provider. The
10 department shall administer the program throughout the commonwealth at locations that are
11 geographically convenient to families who are homeless and shall administer the program in a
12 fair, just and equitable manner. The commonwealth shall accept funds from the appropriate
13 federal authorities for said program.

14 (b) The department shall promulgate rules and regulations to establish the requirements
15 and standards for eligibility. Subject to appropriation, such regulations shall provide that a needy
16 family shall be eligible for assistance under the health hardship mobile housing voucher program
17 if its income is within the income limits for the program of aid to families with dependent
18 children established pursuant to chapter 118.

19 The voucher program shall be denied to a family who, at any time within 1 year
20 immediately prior to the filing of an application for emergency assistance, has depleted, assigned

21 or transferred real or personal property that would have rendered such family ineligible for
22 assistance if the depletion, transfer or assignment was not reasonable at the time or was not for
23 good cause reasons. For purposes of the preceding sentence, good cause reasons shall include,
24 but not be limited to, that the funds were expended for necessary or reasonable costs of living
25 such as rent, utilities, food, health related needs, education related expenses or transportation.

26 The department shall take all reasonable actions to minimize abuse and errors. Such
27 activities shall include:

28 (1) the collection and analysis of data regarding utilization patterns;

29 (2) the recording and tracking of use of this program by individual recipients, including,
30 but not limited to, the utilization of a year to year cross check of recipients to determine if a
31 person or persons has received similar benefits in the previous year or years;

32 (3) the utilization by the department of mechanisms, such as payment of all or part of a
33 regular assistance grant directly to vendors, to prevent the misuse of this program, provided,
34 however, that such mechanisms are authorized under federal or state law;

35 (4) the utilization of wage reporting and bank matching systems, provided, however, that
36 the provision of assistance shall not be delayed by such utilization;

37 (5) the verification of all elements of eligibility. Such verification requirements, including
38 home visits by workers assigned to recipients, shall be reasonable and in accordance with federal
39 law and regulations, where applicable. The department shall determine which verification
40 requirements can be reasonably met by third party affidavits and shall provide notification to
41 recipients and applicants of the circumstances when third party affidavits may be used. The
42 department shall establish reasonable procedures for the verification of continuing eligibility,
43 including monthly reporting and retrospective budgeting where appropriate.

44 (c) Subject to federal approval of any necessary waivers, the department shall use the
45 warrant management system established pursuant to section 23A of chapter 276; and, in
46 accordance with section 11 of chapter 14 and the rules and regulations of the fraudulent claims
47 commission, the department shall forward the name of any applicant or beneficiary of a health
48 hardship mobile housing voucher who, according to said warrant management system, has an
49 outstanding default or arrest warrant issued against him; and the department shall comply with
50 existing state and federal law applicable to time standards for review and determination of
51 eligibility, and all notice and hearing requirements afforded to applicants and beneficiaries under
52 its health hardship mobile housing voucher program. The department shall not grant a voucher
53 to or on behalf of an applicant for or recipient of a voucher against whom an outstanding default
54 or arrest warrant has been issued by any court of the commonwealth. Evidence of the outstanding
55 default or arrest warrant appearing in said warrant management system shall be sufficient
56 grounds for such action by the department.

57 If a hearing is requested to challenge the termination of benefits due to an outstanding
58 default or arrest warrant, the law enforcement agency responsible for the warrant shall be
59 notified of the time, place, date of hearing and the subject of the warrant. An affidavit from the
60 law enforcement agency responsible for the warrant or from the colonel of the state police may
61 be introduced as prima facie evidence of the existence of a warrant without the need for members
62 of that law enforcement agency to attend any hearings held under this section.

63 (d) Any person or institution which knowingly makes a false representation or, contrary
64 to a legal duty to do so, knowingly fails to disclose any material fact affecting eligibility or level
65 of benefits to the department or its agents, for the purpose of causing any person, including the
66 person making such representations, to be eligible for the voucher program, shall be punished by
67 a fine of not less than \$200 nor more than \$500 or by imprisonment for not more than 1 year.

68 Nothing in this section shall be construed as preventing the institution of criminal
69 proceedings for the violation of any other law of the commonwealth.

70 (e) Any vendor under the health hardship mobile housing voucher program administered
71 by the department shall submit to the department, within 6 months of the last day of the month in
72 which such service was rendered, a bill for the same. For the purposes of this chapter a vendor
73 shall be any person or institution providing services in connection with any assistance program
74 administered by the department. All vouchers submitted by a vendor shall be signed under the
75 penalties of perjury.

76 (f) There shall be within the office of the chief counsel a division of hearings for the
77 purpose of holding the hearings referred to herein and rendering decisions. Said division shall be
78 under the supervision of a hearings manager appointed by the director and shall be independent
79 of all other divisions and personnel of the department.

80 Any person aggrieved by the failure of the department to render assistance under the
81 health hardship mobile housing voucher program administered by the department or to approve
82 or reject an application for assistance thereunder within 45 days after receiving such application,
83 or aggrieved by the withdrawal of such aid or assistance, or by coercive or otherwise improper
84 conduct on the part of the health hardship mobile housing voucher program staff, shall have a
85 right to a hearing, after due notice, upon appeal to the director.

86 A hearing held pursuant to this section shall be conducted by a hearing officer designated
87 by the hearings manager and shall be conducted as an adjudicatory proceeding under chapter
88 30A. The department shall offer the person appealing the option to hold the hearing: (a) such that
89 the hearing officer, person appealing and department representatives shall be in 1 location for the
90 hearing and such location shall be convenient to the person appealing; (b) telephonically; or (c)
91 through other available means such as videoconferencing. The person appealing shall have the
92 right to choose among these options. No employee shall review, interfere with, change or attempt
93 to influence any hearing decision by a hearing officer. The hearings manager shall be responsible

94 for the fair and efficient operation of the division in conformity with state and federal laws and
95 regulations and may review and discuss with the hearing officers such decisions solely in order
96 to carry out this responsibility. The hearing manager shall be responsible for the training of
97 hearing officers, scheduling of hearings and the compilation of decisions. The hearings manager
98 may grant a request by the person appealing for a remand of the decision to the hearings officer
99 who made the initial decision or another hearings officer for reconsideration of an initial
100 decision. The final decision of the hearing officer shall be the decision of the department.

101 A hearing officer shall render and issue his decision within 45 days after the date of the
102 filing of the aggrieved person's appeal. The decision of the department shall be subject to review
103 in accordance with the provisions of chapter 30A.

104 When a timely request for a hearing is made because of a termination or reduction of
105 assistance that has been provided on the basis of a final determination of eligibility, involving an
106 issue of fact, or of judgment relating to an individual case, between the agency and the appellant,
107 assistance shall be continued during the period of the appeal. If the decision is adverse to the
108 appellant, assistance shall be terminated immediately. If assistance has been terminated prior to
109 a timely request for a hearing, assistance shall be reinstated.