SENATE DOCKET, NO. 143   FILED ON: 1/14/2021

SENATE . . . . No. 102

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

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 removing barriers to lifting people out of poverty.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
James B. Eldridge	*Middlesex and Worcester*	
Danillo A. Sena	*37th Middlesex*	*2/8/2021*

SENATE DOCKET, NO. 143 FILED ON: 1/14/2021

SENATE . . . . No. 102

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 102) of James B. Eldridge and Danillo A. Sena for legislation to promote financial stability and asset development. Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *44* OF 2019-2020.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act removing barriers to lifting people out of poverty.

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

SECTION 1. Chapter 18 of the General Laws is hereby amended by inserting after section 39 the following section:-

Section 40. The department shall not take any negative case actions during a state of emergency, including but not limited to, reducing the benefit amount, closing a case, denying an extension of time-limited benefits, or reducing work expense deductions for participants in any departmental program pursuant to section 13 of chapter 118 or section 110(j) of chapter 5 of the acts of 1995, as amended, or based on exhaustion of time-limited benefits pursuant to section 110(f) of chapter 5 of the acts of 1995 as amended.

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

Section 31. Upon the declaration of a state of emergency, the department shall cease from terminating all existing and eligible emergency assistance shelter program benefits. Furthermore, the department shall use its authority to allow applicants to self-certify documentation verifying their eligibility for shelter pursuant to 760 CMR 67.02 and 760 CMR 67.06. The department shall waive the existing 12-month ban on re-entering emergency assistance for those who meet all other eligibility requirements for shelter pursuant to 760 CMR 67.02 and 760 CMR 67.06. The department shall implement the program changes during the state of emergency and for at least 90 days thereafter.

SECTION 3. Section 3 of chapter 117A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in line 4, the following words:- or who would be eligible under chapter one hundred and eighteen but for income or assets , or who is eligible to receive unemployment compensation under chapter one hundred and fifty-one A.

SECTION 4. Said section 3 of said chapter 117A, as so appearing, is hereby further amended by inserting after the second sentence the following sentence:- Notwithstanding any general or special law to the contrary, persons otherwise eligible for this program shall not be subject to an asset limit.

SECTION 5. Section 18 of chapter 118, as so appearing, is hereby amended by inserting after the second sentence the following sentence:- Funds from state or private work study programs and state grants for education or training shall not be counted as income or assets when calculating a recipient’s eligibility for the program or determining benefits levels.

SECTION 6. Section 12 of Chapter 159 of the General Laws, as so appearing, is hereby amended by inserting after subsection (d) the following:-

(e) The administration of the federal Lifeline program established by 47 CFR § 54.401. The department shall have the authority to engage in negotiations with carriers of the Lifeline program for the purpose of providing increased service and other benefits to Lifeline customers.

SECTION 7. Subsection (b) of section 110 of chapter 5 of the acts of 1995 as most recently amended by section 62 of chapter 41 of the acts of 2019 is hereby amended by striking out the second paragraph of said subsection (b) and inserting in place thereof the following paragraph:-

(b) A family shall be eligible for assistance without regard to the amount of its assets; provided, however, that any income generated by said assets may be treated as countable income.

SECTION 8. Subsection (j) of section 110 of chapter 5 of the acts of 1995 is hereby amended by adding the following paragraph:-

The department shall:

(1) at least 30 days before an individual becomes subject to the work program requirement pursuant to this subsection and before completion of any employment development plan pursuant to subsection (h), (i) inform the individual orally and in writing that said work program requirement may be met by participation in a vocational educational program, including adult basic education, English for speakers of other languages, skills training, certificate programs, and higher education programs, (ii) inform the individual of all vocational educational

programs available in the relevant geographic region that can be accessed at little or no cost to the individual, and (iii) inform that individual of the policies described in subsections (e) and (f);

(2) at least 30 days before an individual becomes subject to the work program requirement pursuant to this subsection and before completion of any employment development plan pursuant to subsection (h), provide the individual with counseling on how to access vocational educational training without incurring debt, including but not limited to, information on the availability of funding for such programs through the employment services program, the Workforce Investment Act, federal Pell grants pursuant to 20 U.S.C. 1070, the educational rewards program, the U.S. Department of Education, and appropriate referrals to such vocational educational training;

(3) use funds appropriated for the department’s employment services program to expand the availability of programs that integrate skills training with adult basic education for those without a high school diploma and English for speakers of other languages and instruction for those with limited English proficiency, including but not limited to programs at community colleges;

(4) encourage and allow an individual to satisfy the work program requirement pursuant to this subsection, in whole or in part and throughout the period of time limited benefits and any extension periods, by participating in a vocational educational training program; and

(5) grant extensions of the time limit to enable an individual to complete such programs if the individual is making satisfactory progress toward an achievable vocational goal.

SECTION 9. Notwithstanding any general or special law to the contrary, on or before October 1, 2021, the department of transitional assistance shall establish a generally applicable work expense deduction within the program of transitional aid to families with dependent children at a level intended to cover work expenses incurred by working recipients, including but not limited to payroll deductions, transportation, and clothing expenses. Said work expense deduction shall be not less than $250 and shall thereafter be adjusted annually to reflect inflation.

SECTION 10. Notwithstanding any general or special law or rule or regulation to the contrary, the commissioner of the department of transitional assistance shall take immediate action to ensure that all eligible Lifeline households are enrolled in the Lifeline program during the state of emergency declared by the governor pursuant to executive order 591, declaration of a state of emergency to respond to COVID-19. This action shall include, but is not limited to, sending by mail, text or electronic delivery the application for and any other the information needed to apply to the Lifeline program to all DTA program participants.

SECTION 11. Notwithstanding any general or special law to the contrary and in order to encourage asset development, promote employment, and prevent homelessness, with respect to the programs of emergency aid to elders, disabled and children under chapter 117A and transitional aid to families with dependent children under chapter 118, the department of transitional assistance shall treat as uncountable with regard to any maximum countable resource limits and the lump sum income rule up to $20,000 that has been expended or is placed in an individual asset account for later expenditure for costs related to education or training, transportation to work or to other activities of daily living, obtaining or retaining or maintaining housing, debt reduction, starting a business, health care, basic household necessities, or other responsible expenses as identified by the department.

SECTION 12. Notwithstanding any general or special law or rule or regulation to the contrary, the department of telecommunications and cable shall immediately undertake negotiations with the current carriers within the commonwealth of the Lifeline program, established in 47 CFR § 54.401, for the purpose of implementing an additional state subsidy. In order to receive the additional state subsidy, Lifeline carriers shall implement the following; provide unlimited minutes and data during the state of emergency and for 30 days thereafter to all existing customers and eligible Lifeline applicants, and waive any existing regulations that limit to one the number of free devices a household can receive in their duration as a Lifeline customer. The commissioner of the department of telecommunications and cable shall file within 4 weeks of the effective date of this act a report to the clerks of the house of representatives and senate, the senate committee on ways and means, the house committee on ways and means and the joint committee on children, families, and persons with disabilities. Said report shall include, but not be limited to, the carriers that have participated in the negotiations, the additional subsidy level necessary to provide Lifeline participants with unlimited minutes and data for the state of emergency plus 30 days, the parameters needed to establish a stand-alone state Lifeline program, including state-specific eligibility standards, a detailed plan for disseminating Lifeline phone devices to eligible households, and the earliest timeline in which customers could start receiving such benefit.

SECTION 13. As soon as is practical, but in any event no later than July 1, 2021, the department of housing and community development shall establish in consultation with program administrators a uniform, comprehensive, and encrypted where necessary, system for permitting all program applications and necessary documents to be available, completed and submitted online, by phone or by such other method that does not require in-person or mail delivery; and shall accept electronic documents and files for review purposes as well as storage requirements. In addition, the department shall continue to operate local offices in the 10 cities and towns in which the department maintained office locations as of January 1, 2020 to continue to accept in-person applications and provide other services related to the emergency assistance housing program funded by item 7004-0101 of chapter 227 of the acts of 2020, as COVID-19 related public health needs allow. Such offices shall have sufficient staffing to determine eligibility promptly and provide other program services to families. The department may operate additional local offices in other cities or towns that are geographically convenient to those families who are experiencing homelessness or are at risk of homelessness. During the state of emergency declared by the governor pursuant to executive order 591, declaration of a state of emergency to respond to COVID-19, the department shall create and publish goals for the number of shelter beds per capita in facilities that have the capacity to operationalize social distancing, isolation, and quarantine and shall publish targets for the requisite number of such shelter beds for each county of the Commonwealth.