

SENATE No. 2711

Senate, March 21, 2024 -- Text of the Senate amendment to the House Bill making appropriations for the fiscal year 2024 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4466) (being the text of Senate document numbered 2708, printed as amended)

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

1 SECTION 1. To provide for supplementing certain items in the general appropriation act
2 and other appropriation acts for fiscal year 2024, the sums set forth in section 2 are hereby
3 appropriated from the General Fund or the Transitional Escrow Fund established in section 16 of
4 chapter 76 of the acts of 2021, as amended by section 4 of chapter 98 of the acts of 2022, unless
5 specifically designated otherwise in this act or in those appropriation acts, for the several
6 purposes and subject to the conditions specified in this act or in those appropriation acts and
7 subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30,
8 2024. These sums shall be in addition to any amounts previously appropriated and made
9 available for the purposes of those items. Except as otherwise provided, these sums shall be
10 made available through the fiscal year ending June 30, 2025.

11 SECTION 2.

12 OFFICE OF THE COMPTROLLER

13 Comptroller

14 1599-3384 Settlements and Judgments.....\$15,000,000

15 SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to
16 provide for an alteration of purpose for current appropriations and to meet certain requirements
17 of law, the sums set forth in this section are hereby appropriated from the General Fund or the
18 Transitional Escrow Fund established in section 16 of chapter 76 of the acts of 2021, as amended
19 by section 4 of chapter 98 of the acts of 2022, unless specifically designated otherwise in this
20 section, for the several purposes and subject to the conditions specified in this section and subject
21 to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2024.
22 Except as otherwise provided, these sums shall be made available through the fiscal year ending
23 June 30, 2025.

24 1599-1213 For a reserve to support the commonwealth’s response to the ongoing
25 humanitarian crisis and influx of families seeking shelter; provided, that \$7,000,000 shall be
26 expended to the resettlement agencies and providers with contracts through the emergency
27 housing assistance program to support regional, flexible funds to preserve tenancies and rapidly
28 house families through supports including, but not limited to: (i) housing intervention services;
29 (ii) financial and administrative assistance in applying for federal work authorization upon
30 application for benefits through the emergency housing assistance program; and (iii) English
31 language instruction to non-English speaking or limited English speaking families or pregnant
32 women receiving benefits through the emergency housing assistance program; provided further,
33 that said funds shall be distributed in a manner that shall consider geographic equity; provided
34 further that not less than \$3,000,000 shall be expended for employment training programs,
35 including programs offered by local workforce development boards and career centers; and
36 provided further that funds appropriated in this item shall be distributed not later than the 30 days
37 after the effective date of this act.....\$10,000,000

38 Transitional Escrow Fund.....100%

39 SECTION 3. Section 30 of chapter 23B of the General Laws, as most recently amended
40 by section 121 of chapter 7 of the acts of 2023, is hereby further amended by inserting after
41 subsection (F) the following subsection:-

42 (G) The executive office shall complete an individual rehousing plan for all families and
43 pregnant women receiving benefits through the emergency housing assistance program. A family
44 with children or a pregnant woman with no other children that receives benefits through the
45 emergency housing assistance program shall, subject to appropriation and compliance with
46 program rules and regulations, remain eligible for benefits through the program for not less than
47 9 consecutive months; provided, however, that after a family with children or a pregnant woman
48 with no other children who receives benefits through the emergency housing assistance program
49 has received benefits through the program for 9 months, the executive office shall review the
50 recipient's eligibility status for extended eligibility for the program. The executive office shall
51 grant 1 or more extensions, for not more than 90-day periods, for circumstances including, but
52 not limited to: (i)(A) a family or pregnant woman qualifying as a veteran under clause forty-third
53 of section 7 of chapter 4 who is not enrolled in services specifically tailored to veterans
54 including, but not limited to, those administered by the executive office of veterans services; (B)
55 a family or pregnant woman's imminent placement in housing; (C) avoiding educational
56 interruptions for a child or children enrolled in public schools; (D) avoiding loss of employment
57 for adult family members; (E) pregnancy or recent birth; (F) a diagnosed disability or
58 documented medical condition; (G) being a single parent, stepparent, legal guardian or caretaker
59 caring for a disabled child or family member; (H) being a single parent, stepparent, legal
60 guardian or caretaker with insufficient child or dependent care necessary to obtain employment

61 or continue employment; (I) being at imminent risk of harm due to domestic violence; or (J)
62 progress toward receiving work authorization; or (ii) a family or pregnant woman's compliance
63 with the rehousing plan. The executive office shall limit the number of families and pregnant
64 women to be terminated from the emergency housing assistance program in any week due to
65 reaching the durational limit. The executive office shall provide not less than 90 days' notice to a
66 family or pregnant woman receiving benefits pursuant to this section prior to the termination of
67 benefits. The executive office shall provide printed handouts to families with children and
68 pregnant women receiving benefits through the emergency housing assistance program which
69 shall include, but not be limited to, information about: (i) the duration of stay limit and extension
70 process; (ii) workforce training programs; (iii) food resources, including food pantries; (iv)
71 services offered by resettlement agencies; (v) other housing assistance programs; and (vi) other
72 nonprofit or available resources the executive office deems necessary or helpful. All written
73 information shall be translated into multiple languages and shall be available on the executive
74 office's website. This subsection shall apply during any period in which the secretary of housing
75 and livable communities has determined that the shelter system is no longer able to meet all
76 current and projected demand for shelter from eligible families considering the facts and
77 circumstances then existing in the commonwealth.

78 SECTION 4. Chapter 40A of the General Laws is hereby amended by inserting after
79 section 3A the following section:-

80 Section 3B. (a) As used in this section, the following words shall have the following
81 meanings unless the context clearly requires otherwise:

82 “Commission”, the alcoholic beverages control commission, established by section 70 of
83 chapter 10.

84 “Outdoor table service”, restaurant service that includes food prepared on-site and under
85 a food establishment permit issued by a municipal authority pursuant to 105 CMR 590.00 that is
86 served to seated diners outside the restaurant building envelope, whether on a sidewalk, patio,
87 deck, lawn, parking area or other outdoor space.

88 (b) Notwithstanding this chapter, any special permit, variance or other approval issued
89 hereunder or any general or special law to the contrary, a city or town may approve a request for
90 expansion of outdoor table service, including in the description of the licensed premises as
91 described in subsection (c), or an extension of an earlier granted approval. Before such approval,
92 the mayor, board of selectmen, select board or other chief executive officer, as established by
93 charter or special act, shall establish the process for approving such requests. Such process shall
94 not be required to comply with the notice and publication provisions of section 11. An approval
95 under this section may be exercised immediately upon filing of notice thereof with the city or
96 town clerk, without complying with any otherwise applicable recording or certification
97 requirements.

98 (c) Pursuant to subsection (b), a local licensing authority may grant approval for a change
99 in the description of the licensed premises for the purpose of permitting outdoor alcohol service,
100 as the local licensing authority deems reasonable and proper, and issue an amended license to
101 existing license holders, without further review or approval from the commission prior to
102 issuance. Upon approval of an amended license, the local licensing authority shall provide notice

103 of the amended license to the commission. Nothing in this section shall prevent the commission
104 from exercising the commission's enforcement authority over an amended license.

105 (d) Before approving any request to extend an earlier granted approval, a city, town or
106 local licensing authority may modify the scope of the approval as the city, town or local
107 licensing authority deems reasonable and proper, including, but not limited to, modifying the
108 terms of an earlier granted approval to address potential issues with snow removal, pedestrian
109 traffic or similar concerns.

110 SECTION 5. Section 80B of chapter 112 of the General Laws, as appearing in the 2022
111 Official Edition, is hereby amended by adding the following paragraph:-

112 An individual who graduated from a registered nursing or practical nursing program
113 approved by the board or who is a senior nursing student attending the last semester of a
114 registered nursing or practical nursing program approved by the board may practice nursing;
115 provided, that: (i) the individual is employed by or providing health care services at the direction
116 of a licensed health care facility or a licensed health care provider; (ii) the individual is directly
117 supervised while providing health care services; and (iii) the employing licensed health care
118 facility or licensed health care provider has verified that the individual is a graduate of a
119 registered nursing or practical nursing program approved by the board or that the individual is a
120 senior nursing student attending the last semester of a registered nursing or practical nursing
121 program approved by the board. The board shall issue guidance to implement this section, which
122 shall include guidance regarding the appropriate supervision of nursing students.

123 SECTION 6. Section 23 of chapter 20 of the acts of 2021, as most recently amended by
124 section 39 of chapter 2 of the acts of 2023, is hereby further amended by striking out the figure
125 “2024” and inserting in place thereof the following figure:- 2025.

126 SECTION 7. Item 1410-1616 of section 2 of chapter 28 of the acts of 2023 is hereby
127 amended by striking out the words “city of Salem to support a Massachusetts national guard
128 indoor” and inserting in place thereof the following words:- Massachusetts national guard to
129 support an indoor.

130 SECTION 8. Item 7008-1116 of said section 2 of said chapter 28 is hereby amended by
131 striking out the words “a nonprofit or similar organization” and inserting in place thereof the
132 following words:- the Natick Center Cultural District.

133 SECTION 9. Item 8324-0050 of said section 2 of said chapter 28 is hereby amended by
134 striking out the words “a self-contained breathing apparatus vehicle to ensure safety and
135 efficiency in” and inserting in place thereof the following words:- "equipment for".

136 SECTION 10. Notwithstanding subsection (a) of section 23 of chapter 32B of the
137 General Laws, the North Middlesex regional school district shall provide notice to the group
138 insurance commission for the transfer of subscribers to the commission which shall occur not
139 later than July 1, 2024.

140 SECTION 11. The executive office of housing and livable communities shall promulgate
141 regulations or issue guidance regarding eligibility under subsection (G) of section 30 of chapter
142 23B of the General Laws which shall: (i) establish procedures for the termination of benefits; and
143 (ii) allow a family with children or a pregnant woman with no other children to reapply for the
144 emergency housing assistance program. Eligibility determinations for a family or pregnant

145 woman reapplying for the program shall be consistent with the guidance issued by the secretary
146 of housing and livable communities on October 31, 2023, entitled “Emergency Assistance
147 Program Guidance on Waitlist and Prioritization Procedures pursuant to Capacity Declaration
148 dated October 31, 2023”, pursuant to 760 CMR 67.10. No benefits shall be terminated under said
149 subsection G of said section 30 of said chapter 23B until 90 days after the regulations or
150 guidance required under this section are issued.

151 SECTION 12. There shall be a special commission to study and make recommendations
152 on: (i) the sustainability, efficiency and effectiveness of the emergency housing assistance
153 program; (ii) how to best support and ensure the long-term sufficiency of those seeking shelter;
154 and (iii) creating a regional based response to support families in need of shelter.

155 The commission shall consist of: a member of the executive branch to be appointed by
156 the governor, who is leading efforts to respond to the humanitarian crisis in the shelter system,
157 who shall serve as chair; the secretary of housing and livable communities or a designee; the
158 secretary of health and human services or a designee; the secretary of administration and finance
159 or a designee; the director of the office for refugees and immigrants or a designee; the senate and
160 house chairs of the joint committee on housing; the senate and house chairs of the joint
161 committee on children, families and persons with disabilities; a member appointed by the
162 minority leader of the house; a member appointed by the minority leader of senate; and 3
163 members to be appointed by the governor who shall reflect geographic diversity and have
164 expertise in public and affordable housing, homelessness prevention or response or immigration
165 and resettlement policy.

166 The commission shall consider the work and research of past commissions and further
167 investigate, evaluate and make recommendations on items including, but not be limited to: (i)
168 examining the financial impact and sustainability of response efforts and the emergency housing
169 assistance program; (ii) identifying how existing resources can be allocated to ensure the long-
170 term sustainability of emergency housing response efforts and the emergency housing assistance
171 program; (iii) reviewing the existing reception and placement structure in the commonwealth for
172 families seeking shelter, including immigrants, refugees and homeless individuals and families;
173 (iv) evaluating and making recommendations to improve the existing structures in the
174 commonwealth for determining eligibility, access to supportive services and placements for
175 families seeking housing support or shelter, including immigrants, refugees and homeless
176 families; (v) evaluating and making recommendations to improve the efficiency and integration
177 of programs that provide temporary shelter, pathways to permanent housing, language capacity
178 and workforce training; (vi) identifying improvements and structures necessary to reduce the
179 time families spend in emergency shelter and transition them to more stable housing options;
180 (vii) exploring opportunities to maximize the use of federal reimbursement for expenditures from
181 the program; (viii) examining regional strategies to coordinate with local organizations and
182 resettlement agencies to maximize resources to help resettle and integrate immigrants and
183 refugees into the community including, but not limited to, stable housing opportunities,
184 wraparound services, language lessons, job training programs and pathways to employment and
185 self-sufficiency and state benefits and services; (ix) reviewing safety practices and procedures at
186 emergency shelters established under the emergency housing assistance program, including
187 hotels and motels used for emergency shelter and overflow emergency shelter sites; (x)
188 identifying critical prevention strategies and necessary resources and structures to prevent

189 homelessness among the emergency housing assistance program benefit recipients; and (xi)
190 identifying any necessary support systems to assist recipients of emergency housing assistance
191 program benefits in making successful transitions to permanent housing within a specified
192 timeframe.

193 The commission shall file a report of its findings, including any recommendations, with
194 the clerks of the senate and the house of representatives, the house and senate committees on
195 ways and means, the joint committee on housing and the joint committee on children, families
196 and persons with disabilities not later than December 1, 2024.

197 SECTION 13. Notwithstanding any general or special law to the contrary, following
198 approval by the secretary of administration and finance, not more than \$75,000,000 may be
199 expended during any 30 day period from the Transitional Escrow Fund established by section 16
200 of chapter 76 of the acts of 2021, as amended by section 4 of chapter 98 of the acts of 2022, for
201 the purposes appropriated in item 7004-0101 of section 2 of chapter 28 of the acts of 2023 and
202 item 1599-0514 of section 2A of chapter 77 of the acts of 2023. Such expenditures shall not be
203 subject to appropriation.

204 SECTION 14. Notwithstanding any general or special law to the contrary, following
205 approval by the secretary of administration and finance, not more than \$65,000,000 shall be
206 expended during any 30-day period from the Transitional Escrow Fund established in section 16
207 of chapter 76 of the acts of 2021 for the purposes appropriated in item 7004-0101 of section 2 of
208 chapter 28 of the acts of 2023 and item 1599-0514 of section 2A of chapter 77 of the acts of
209 2023. Such expenditures shall not be subject to appropriation.

210 SECTION 15. Notwithstanding any general or special law to the contrary, following
211 approval by the secretary of administration and finance, not more than \$55,000,000 may be
212 expended during any 30 day period from the Transitional Escrow Fund established by section 16
213 of chapter 76 of the acts of 2021, as amended by section 4 of chapter 98 of the acts of 2022 for
214 the purposes appropriated in item 7004-0101 of section 2 of chapter 28 of the acts of 2023 and
215 item 1599-0514 of section 2A of chapter 77 of the acts of 2023. Such expenditures shall not be
216 subject to appropriation.

217 SECTION 16. Notwithstanding any general or special law to the contrary, following
218 approval by the secretary of administration and finance, not more than \$45,000,000 may be
219 expended during any 30 day period from the Transitional Escrow Fund established by section 16
220 of chapter 76 of the acts of 2021, as amended by section 4 of chapter 98 of the acts of 2022 for
221 the purposes appropriated in item 7004-0101 of section 2 of chapter 28 of the acts of 2023 and
222 item 1599-0514 of section 2A of chapter 77 of the acts of 2023. Such expenditures shall not be
223 subject to appropriation.

224 SECTION 17. Notwithstanding any general or special law to the contrary, following
225 approval by the secretary of administration and finance, not more than \$35,000,000 may be
226 expended during any 30 day period from the Transitional Escrow Fund established by section 16
227 of chapter 76 of the acts of 2021, as amended by section 4 of chapter 98 of the acts of 2022 for
228 the purposes appropriated in items 7004-0101 of section 2 of chapter 28 of the acts of 2023 and
229 item 1599-0514 of section 2A of chapter 77 of the acts of 2023. Such expenditures shall not be
230 subject to appropriation.

231 SECTION 18. The executive office for administration and finance shall submit a
232 biweekly report to the house and senate clerks and the house and senate committees on ways and
233 means, that shall include, but not be limited to: (i) the reporting required by item 1599-0514 of
234 chapter 77 of the acts of 2023; (ii) the current funded capacity of the emergency housing
235 assistance program; (iii) the number of families applying for shelter in the previous 14 days; (iv)
236 the number of families on the waitlist for services under the emergency housing assistance
237 program; (v) a description of the services provided to such families on the waitlist; (vi) the
238 current number of families on the waitlist receiving services at overflow shelter sites; (vii) the
239 total number of families who have exited the emergency housing assistance program in the
240 previous 14 days; (viii) the total number of families on the waitlist who have been placed in
241 shelter in the previous 14 days; (ix) the average length of stay for families in the emergency
242 housing assistance program; (x) expenditures from the Transitional Escrow Fund in the previous
243 14 days in accordance with sections 12, 13, 14, 15, and 16, delineated by purpose; (xi) total
244 expenditures from the Transitional Escrow Fund in accordance with sections 12, 13, 14, 15, and
245 16 since April 1, 2024, delineated by purpose; (xii) to the extent feasible the country of origin
246 and citizenship status of all individuals and families who are receiving assistance under the
247 emergency housing assistance program at the time of the report; (xiii) the number of individuals
248 receiving assistance under the emergency housing assistance program that have obtained or have
249 applied to obtain federal work authorization in compliance with all applicable state and federal
250 laws; (xiv) the number of new student enrollments related to the emergency housing assistance
251 program; and (xv) any efforts undertaken by the executive office for administration and finance
252 to secure and maximize federal support and reimbursement for funds spent on the emergency
253 housing assistance program.

- 254 SECTION 19. Section 13 is hereby repealed.
- 255 SECTION 20. Section 14 is hereby repealed.
- 256 SECTION 21. Section 15 is hereby repealed.
- 257 SECTION 22. Section 16 is hereby repealed.
- 258 SECTION 23. Section 17 is hereby repealed.
- 259 SECTION 24. Sections 3 and 11 shall take effect on June 1, 2024.
- 260 SECTION 25. Section 4 shall take effect on April 1, 2024.
- 261 SECTION 26. Sections 5 and 6 shall take effect on March 31, 2024.
- 262 SECTION 27. Sections 10, 14 and 19 shall take effect on July 1, 2024.
- 263 SECTION 28. Sections 15 and 20 shall take effect on October 1, 2024.
- 264 SECTION 29. Sections 16 and 21 shall take effect on January 1, 2025.
- 265 SECTION 30. Sections 17 and 22 shall take effect on April 1, 2025.
- 266 SECTION 31. Section 23 shall take effect on July 1, 2025.