

# The Commonwealth of Massachusetts

PRESENTED BY:

*Marjorie C. Decker*

*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 significantly alleviating poverty.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>5/1/2025</i>
<i>Estela A. Reyes</i>	<i>4th Essex</i>	<i>5/28/2025</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>9/3/2025</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>9/3/2025</i>

By Representative Decker of Cambridge, a petition (subject to Joint Rule 12) of Marjorie C. Decker relative to family support and poverty alleviation. Children, Families and Persons with Disabilities.

# The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**

## An Act significantly alleviating poverty.

*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 adding the  
2 following section:-

3                   Section 31. (a) As used in this section, the following words shall have the following  
4                   meanings unless the context clearly requires otherwise:

5 “Disposable menstrual products”, products used by a menstruating individual including,  
6 but not limited to, sanitary napkins, tampons and underwear liners.

7 “Menstruating individual”, a person who menstruates.

(b) Any provider of temporary housing assistance, including, but not limited to, a family shelter, a shelter for adults, a hotel used for emergency shelter, an emergency apartment, a domestic violence shelter, a runaway and homeless youth shelter or a safe house for refugees, shall provide disposable menstrual products at no cost to a menstruating individual. The

12 disposable menstrual products shall be available in a convenient manner that does not stigmatize  
13 the individual seeking such products.

14 SECTION 2. Chapter 71 of the General Laws is hereby amended by inserting after  
15 section 3 the following section:-

16 Section 3A. (a) As used in this section, the following words shall have the following  
17 meanings unless the context clearly requires otherwise:-

18 "Disposable menstrual products", products used by a menstruating individual including,  
19 but not limited to, sanitary napkins, tampons and underwear liners.

20 "Menstruating individual", a person who menstruates.

21 (b) Every primary and secondary school shall provide disposable menstrual products at  
22 no cost to students. The disposable menstrual products shall be available in a convenient manner  
23 that does not stigmatize the individual seeking such products, including, but not limited to, in  
24 restrooms for menstruating individuals.

25 SECTION 3. Chapter 127 of the General Laws is hereby amended by adding the  
26 following section:-

27 Section 170. (a) As used in this section, the following words shall have the following  
28 meanings unless the context clearly requires otherwise:

29 "Administrator", the keeper of a lock-up facility under chapter 40, the superintendent of a  
30 correctional facility under chapter 125, a sheriff or special sheriff in charge of a jail, house of  
31 correction or regional lock-up facility under chapter 126, the colonel of state police and any other

32 official who oversees a facility used for the detention of persons arrested and held in custody or  
33 serving a sentence.

34 "Disposable menstrual products", products used by a menstruating individual including,  
35 but not limited to, sanitary napkins, tampons and underwear liners.

36 "Menstruating individual", a person who menstruates.

37 (b) The administrator shall provide disposable menstrual products to menstruating  
38 individuals held or housed in the facility overseen by the administrator at no cost. The disposable  
39 menstrual products shall be available in a convenient manner that does not stigmatize the  
40 individual seeking such products.

41 SECTION 4. Section 2 of chapter 118 of the General Laws, as appearing in the 2020  
42 Official Edition, is hereby amended by striking out the fourth paragraph and inserting in place  
43 thereof the following paragraph:--

44 Notwithstanding any general or special law to the contrary, the payment standards for  
45 monthly benefits for the program not including the rental allowance shall be increased effective  
46 July first of each year beginning with July 1, 2025 by 20 percent above the payment standard in  
47 effect in the previous fiscal year until the payment standard for the household size equals 50  
48 percent of the federal poverty level for the household size; provided further, that once the  
49 payment standard for the household size equals 50 percent of the federal poverty level for the  
50 household size, the payment standard shall be increased effective July first of each year in order  
51 that the payment standard shall be no less than 50 percent of the poverty level for the household  
52 size as determined by the federal Department of Health and Human Services; provided further,  
53 that the need standard and the payment amounts shall be further increased by the amount of a

54 clothing allowance in the month for which it is paid and by the rental allowance for households  
55 incurring a rent or mortgage expense and not residing in public or subsidized housing.

56 SECTION 5. Section 1 of chapter 117A of the General Laws is hereby amended by  
57 inserting after the first paragraph the following new paragraph:-

58 Notwithstanding any general or special law to the contrary, the payment standards for  
59 monthly benefits for the program shall be increased effective July first of each year beginning  
60 with July 1, 2025 by 20 percent above the payment standard in effect in the previous fiscal year  
61 until the payment standard for the household size equals 50 percent of the federal poverty level  
62 for the household size; provided further, that once the payment standard for the household size  
63 equals 50 percent of the federal poverty level for the household size, the payment standard shall  
64 be increased effective July first of each year in order that the payment standard shall be no less  
65 than 50 percent of the poverty level for the household size as determined by the federal  
66 Department of Health and Human Services.

67 SECTION 6. Notwithstanding any general or special law to the contrary, the department  
68 of transitional assistance shall provide financial assistance to an otherwise eligible pregnant  
69 person with no dependent child beginning when the pregnancy is verified, provided that such  
70 assistance shall be the amount for one person under the transitional aid to families with  
71 dependent children program.

72 SECTION 7. Section 2 of chapter 118 of the General Laws is hereby amended by  
73 inserting after the words “estate of the recipient.”, the following new paragraph:-

74 The department shall pay a \$50-per-month rental allowance to households incurring a  
75 rent or mortgage expense and not residing in public or subsidized housing. The department shall

76 also pay a nonrecurring children's clothing allowance of \$500 to each child eligible under this  
77 program on September first of the calendar year.

78 SECTION 8: Section 7 of chapter 118A of the General Laws is hereby amended by  
79 inserting after section 7, the following new subsection:-

80 Section 7(a) The department shall pay a \$50-per-month rental allowance to recipients  
81 incurring a rent or mortgage expense and not residing in public or subsidized housing.

82 SECTION 9. Chapter 18 of the General Laws is hereby amended by striking section 18A  
83 and inserting in place thereof the following new section:-

84 Section 18A. (a)(1). The department shall impose the sanction required by federal law on  
85 any recipient of public assistance funded under Title IV-A of the Social Security Act who,  
86 without good cause, does not cooperate with the IV-D agency specified in chapter 119A to  
87 establish paternity or to establish, modify, or enforce a child support order on behalf of a child  
88 for whom the recipient receives such public assistance.

89 (2) The department shall determine that a recipient has good cause for not cooperating  
90 with the IV-D agency for purposes of this section if:

91 (A) The child was conceived as a result of incest or rape;

92 (B) Proceedings for the adoption of the child are pending or under consideration;

93 (C) Cooperation risks discouraging the noncustodial parent or other relatives of the child  
94 from maintaining a relationship with the child or providing emotional or other support;

95 (D) Cooperation risks physical or emotional harm to or retaliation against the child or the

96 relative with whom the child resides; or

97 (E) Cooperation is otherwise not in the child's best interest.

98 SECTION 10. Section 2 of chapter 118 of the General Laws is hereby amended by

99 inserting at the end of the first paragraph the following:-

100 Child support collected on behalf of a recipient of benefits under this chapter shall be

101 paid to the family. In determining the family's countable income, the department shall disregard

102 child support paid to the family that is below the monthly federal poverty level for the family

103 size.

104 SECTION 11. Section 2 of chapter 119A of the General Laws is hereby amended by

105 inserting at the end of subsection (b) the following:- Pursuant to Title IV, Part D of the Social

106 Security Act, in the case of former recipients of assistance, the IV-D agency shall pay to the

107 family all support payments collected, including payments on arrears assigned to the state and

108 payments collected through federal tax refund offset.

109 SECTION 12. Paragraph (1) of subsection (h) of section 6 of chapter 62 of the General

110 Laws, as amended by section 11 of chapter 50 of the acts of 2023, is hereby further amended by

111 striking out the figure "40" each time it appears, and inserting in place thereof, in each instance,

112 the following figure: -50.

113 SECTION 13. Said paragraph (1) of said subsection (h) of said section 6 of said chapter

114 62, as so amended, is hereby further amended by inserting at the end of said paragraph the

115 following sentence: -A taxpayer may claim a credit under this section using either a Social

116 Security Number or an Individual Taxpayer Identification Number, if but for section 32(m) of  
117 the Code, the taxpayer would be eligible to claim the credit. In the case of a taxpayer with a  
118 qualifying child for the Earned Income Tax Credit but who is ineligible for a Social Security  
119 Number or Individual Taxpayer Identification Number, the DOR shall issue said child a tax  
120 identification number.

121 SECTION 14. Said paragraph (1) of said subsection (h) of said section 6 of said chapter  
122 62, as so amended, is hereby further amended by inserting, in line 252 after the word "year" the  
123 following words: -provided however that for each additional qualifying child, as defined in  
124 section 32(b) of the Code, above three children, the percent of the federal credit shall increase by  
125 5 percentage points per qualifying child.

126 SECTION 15: Said subsection (h) of said section 6 of said chapter 62, as so amended, is  
127 hereby further amended by inserting the following paragraph (3): For the purposes of this  
128 subsection, an individual who has attained 18 or, if the individual is married, either spouse has  
129 attained 18 before the close of the taxable year, shall be deemed to have satisfied all eligibility  
130 requirements under subsection (c)(1)(A)(ii)(II) of section 32 of the Code.

131 SECTION 16. Section 6 of said chapter 62, as most recently amended by section 21 of  
132 chapter 40 of the acts of 2023, is hereby further amended by striking out subsection (x) and  
133 inserting in place thereof the following subsection:-

134 (x) (1) For the purposes of this subsection, "maintains a household" shall have the same  
135 meaning as in section 21 of the Code. With respect to a taxpayer who is a non-resident for part of  
136 the taxable year, the credit shall be further limited to the amount of allowable credit multiplied  
137 by a fraction, the numerator of which shall be the number of days in the taxable year the person

138 resided in the commonwealth and the denominator of which shall be the number of days in the  
139 taxable year. A taxpayer who maintains a household that includes as a member at least 1  
140 individual: (i) who qualifies for exemption as a dependent under section 151 of the Code; or (ii)  
141 who is a qualifying individual as defined in said section 21 of the Code; or (iii) who (A) is not  
142 less than 65 years of age or is disabled and (B) qualifies as a dependent under section 152 of the  
143 Code, shall be allowed a credit in an amount equal to \$600 for each such dependent or qualifying  
144 individual with respect to the taxpayer; provided, however, that if the taxpayer is married at the  
145 close of the taxable year, the credit provided in this subsection shall be allowed if: (a) the  
146 taxpayer and the taxpayer's spouse file a joint return for the taxable year; or (b) the taxpayer  
147 qualifies as a head of household under section 2(b) of the Code. For each taxable year, the  
148 commissioner shall increase the amount of the credit for each eligible dependent or qualifying  
149 individual as provided by this subsection by an amount equal to such credit multiplied by the  
150 cost-of-living adjustment for the calendar year in which such taxable year begins. A person who  
151 is a non-resident for the entire taxable year shall not qualify for the credit. If the amount of the  
152 credit allowed under this subsection exceeds the taxpayer's tax liability, the commissioner shall  
153 treat the excess as an overpayment and shall pay the taxpayer the entire amount of the excess  
154 without interest.

155 (2) Upon request by a taxpayer eligible for the Child and Family Tax Credit but ineligible  
156 for a Social Security Number or Individual Taxpayer Identification Number, the DOR shall issue  
157 said taxpayer a tax identification number to enable the taxpayer to claim the credit.

158 (3) The commissioner may establish a process to allow taxpayers to elect to receive one  
159 or more advance payments of the credit under this subsection. The amount of advance payments  
160 must be based on the taxpayer and commissioner's estimate of the amount of credit for which the

161 taxpayer would be eligible in the taxable year beginning in the calendar year in which the  
162 payments were made. The commissioner shall not distribute advance payments to a taxpayer  
163 who does not elect to receive advance payments. The amount of a taxpayer's credit under this  
164 subsection for the taxable year is reduced by the amount of advance payments received by the  
165 taxpayer in the calendar year during which the taxable year began.

166 SECTION 17. In order to ensure the widest possible dissemination of state and federal  
167 tax credits that are aimed to reduce poverty, the department shall: (i) include multilingual  
168 information by video and text in its website about state and federal tax credits, free tax  
169 preparation services, and low-income taxpayer clinics; (ii) provide all employers with a  
170 multilingual poster and a notice that sets forth the rights under this chapter; (iii) require that all  
171 employers doing business in the commonwealth post information about tax credits in a  
172 conspicuous location at the place of employment; (iv) coordinate a notification system by the  
173 commonwealth about tax credit to applicants for and recipients of unemployment insurance  
174 under chapter 151A, applicants for and recipients of transitional assistance benefits, including  
175 food stamps, under chapter 18, and to recipients of subsidized health insurance under chapter  
176 118E; and (v) collaborate with labor organizations, chambers of commerce, municipalities,  
177 community-based organizations, and taxpayer advocates to disseminate information about tax  
178 credits. The multilingual poster and notice requirement in clause (i) shall comply with the  
179 requirements for employer's unemployment notices under clauses (i) and (iii) of subsection (d)  
180 of section 62A of chapter 151A.

181 SECTION 18. Chapter 119 of the General Laws, as appearing in the 2022 Official  
182 Edition, is hereby amended by inserting after section 23C the following section:-

183                   Section 23D. (a) The department shall, subject to appropriation, provide a cash stipend of  
184                   \$1,000 per month for 5 years to any individual who was formerly under the custody, care or  
185                   responsibility of the department but has transitioned from the custody, care or responsibility of  
186                   the department any time between the ages of 18 and 23. Should such an individual at any time  
187                   return to the custody, care, or responsibility of the department, that individual's monthly stipend  
188                   will be put on hold until such time as the individual again transitions from the custody, care or  
189                   responsibility of the department; provided, however, that no individual is eligible for more than  
190                   60 total monthly payments of this stipend during the individual's lifetime.

191                   (b) Notwithstanding any general or special law to the contrary, this stipend shall not be  
192                   considered income for purposes of determining eligibility for any other benefit provided by the  
193                   Commonwealth.

194                   (c) The department shall inform all eligible foster care youth, in person and by writing,  
195                   and their counsel as appointed under section 29 of chapter 119, of the availability of this cash  
196                   stipend within 30 days of the youth attaining the age of 17 years and 6 months. The department  
197                   shall provide appropriate case management to support eligible youth within the department's  
198                   custody, care, or responsibility in applying for this cash stipend and other support needed to  
199                   assist the youth in making the transition from foster care to a successful adulthood, including  
200                   setting up a personal bank account where this cash stipend may be deposited, making the youth  
201                   aware of other state benefits for which the youth may be eligible, and connecting youth to  
202                   financial literacy education or training.

203 (d) The department shall not terminate or suspend the payment of this cash stipend for  
204 any reason other than the return of the individual to the custody, care, or responsibility of the  
205 department.

206 (e) The department shall take steps to notify eligible former foster care youth of the  
207 existence and availability of this cash stipend and shall publish data as to the number of eligible  
208 young adults receiving this cash stipend.

209 SECTION 19. Section 27C of chapter 149 of the General Laws, as appearing in the 2022  
210 Official Edition, is hereby amended by inserting after the words “subsection (a)”, in line 58, the  
211 following words:- , or section 100, 148E or 150C.

212 SECTION 20. Said section 27C of said chapter 149, as so appearing, is hereby further  
213 amended by striking out, in line 159, the words “Civil and criminal” and inserting in place  
214 thereof the following word:- Criminal.

215 SECTION 21. Said section 27C of said chapter 149, as so appearing, is hereby further  
216 amended by adding the following subsection:-

217 (d) As a further alternative to initiating criminal proceedings pursuant to subsection (a) or  
218 civil proceedings pursuant to subsection (b), the attorney general may file a civil action for  
219 injunctive relief, for any damages incurred, and for any lost wages and other benefits on behalf  
220 of an employee or multiple, similarly situated employees. If the attorney general prevails in such  
221 an action, the employee or employees on whose behalf the attorney general brought the civil  
222 action shall be awarded treble damages, for any lost wages and other benefits, and the attorney  
223 general shall also be awarded the costs of the litigation and reasonable attorneys’ fees.

224                   SECTION 22. Chapter 149 of the General Laws is hereby amended by inserting after  
225                   section 148D the following 3 sections:-

226                   Section 148E. (a) As used in this section and sections 148F to 148H, inclusive, the  
227                   following words shall have the following meanings unless the context clearly indicates  
228                   otherwise:-

229                   “Labor contractor; (1) an individual who is not an employee of a lead contractor, as  
230                   defined by section 148B of chapter 149, or a corporation, partnership, firm or other business  
231                   entity, (2) who obtains, engage or provides 1 or more individuals to perform labor services, with  
232                   or without a written contract, directly or indirectly, to a lead contractor or from a labor  
233                   subcontractor for the benefit of the lead contractor’s business activities, operations, or purposes.

234                   “Labor subcontractor”, (1) an individual who is not an employee of a labor contractor or  
235                   lead contractor, as defined by section 148B of chapter 149, or a corporation, partnership, firm or  
236                   other business entity, (2) who engages or provides 1 or more individuals to perform labor or  
237                   services, with or without a written contract, directly or indirectly, to a labor contractor for the  
238                   benefit of the lead contractor’s business activities, operations, or purposes.

239                   “Lead contractor”, a person, regardless of form, that obtains, engages or is provided with  
240                   1 or more individuals, directly from a labor contractor or indirectly from a labor subcontractor, to  
241                   perform labor or services that have a significant nexus with the lead contractor’s business  
242                   activities, operations, or purposes.

243                   “Wage theft”, a violation of sections 27, 27F, 27G or 27H, the first and third sentences  
244                   and the fourth paragraph of section 148, sections 148B or 148C, the fourth sentence of section

245 150, section 152A, subsections (c) or (d) of section 159C, sections 1, 1A, 1B, 2A or 7 of chapter  
246 151, clauses (4) or (5) of section 19 of chapter 151 or section 20 of chapter 151.

247 (b) An employer, except a staffing agency as defined by section 159C that is licensed or  
248 registered pursuant to sections 46A to 46R, inclusive, of chapter 140, shall provide each  
249 employee, not later than 10 days after the commencement of employment, with written notice in  
250 the language the employer normally uses to communicate employment-related information to the  
251 employee, of the following information: (i) the rate or rates of pay and the basis for those rates,  
252 whether paid by the hour, shift, day, week, salary, piece, commission or otherwise, including  
253 methods of calculation for overtime, if applicable; (ii) allowances, if any, claimed as part of the  
254 minimum wage, including meal, tip or lodging allowances; (iii) the regular pay day designated  
255 by the employer; (iv) the name of the employer, including any “doing business as” names used  
256 by the employer; (v) the physical address of the employer’s main office or principal place of  
257 business and mailing address, if different; (vi) the telephone number of the employer; and (vii)  
258 the name, address, and telephone number of the employer’s workers’ compensation insurance  
259 carrier.

260 (c) A lead contractor shall be subject to joint and several liability with a labor contractor  
261 and a labor subcontractor. For purposes of this section, the president and treasurer of a  
262 corporation and any officers or agents having the management of such corporation shall also be  
263 deemed civilly liable for a wage theft violation hereunder.

264 (d) Nothing in this section shall limit the availability of other civil claims and remedies at  
265 law or in equity whether provided under the general laws or common law.

266 (e) A successor entity to any lead contractor, labor contractor or labor subcontractor  
267 subject to liability under this section shall also be liable under this section if that entity: (i) has 1  
268 or more of the same principals or officers as the person or entity subject to liability; and (ii) is  
269 engaged in the same or equivalent trade or activity as the person or entity subject to liability.

270 (f) A person or entity that has been found to have committed wage theft in the previous 3  
271 years shall notify a lead contractor or labor contractor prior to entering into an agreement to  
272 engage or provide 1 or more individuals, directly or indirectly, to a lead contractor or labor  
273 contractor. A lead contractor or labor contractor that was jointly and severally liable under  
274 subsection (c) but was not the entity that committed the wage theft shall not be required to  
275 provide notice under this subsection.

276 (g) When an individual applies for unemployment benefits pursuant to chapter 151A, and  
277 wage theft occurred during the base period as determined based on credible evidence, the  
278 individual's unemployment benefits shall be calculated as if wages had been timely and lawfully  
279 paid.

280 (h) The attorney general shall enforce this section, and may obtain injunctive or  
281 declaratory relief. Violation of this section shall be subject to paragraphs (1), (2), (4) and (7) of  
282 subsection (b) of section 27C, and subsection (d) of section 27C, except in cases where the lead  
283 contractor, labor contractor or labor subcontractor provides payment in full during the 15-day  
284 notice period for any wages allegedly owed, as described in subsection (c).

285 (i) No person or entity shall by contract or any other means be exempted from  
286 subsections (a), (b), (c), (e), (f), (g), (h), or (i) or from sections 148F or 148G. Nothing in this

287 chapter shall limit the availability of other civil claims remedies at law or equity whether  
288 provided under the General Laws or by common law.

289 (j) The attorney general may promulgate regulations to implement this section.

290 Section 148F. (a) The attorney general may investigate an employer's failure to obtain  
291 unemployment insurance as required under chapter 151A. Upon finding a violation of section 15  
292 or section 47 of chapter 151A, the attorney general may issue a stop work order to an employing  
293 unit and the officer or agent of the employing unit, requiring the cessation of all business  
294 operations of the violating person or entity as to the specific place of business and employment  
295 for which the violation exists.

296 Not less than 5 days before the commencement of a stop work order under this section,  
297 the attorney general shall notify the violating person or entity of the intended action and give the  
298 person or entity an opportunity to confer with the attorney general in person or through counsel  
299 or other representative as to the proposed action. Notice shall be given to the person or entity by  
300 mail, postage prepaid, to the usual place of business or, if there is no usual place of business, to  
301 the last known address.

302 The stop work order may be issued only against the person or entity found to be in  
303 violation of section 15 or section 47 of chapter 151A and only as to the specific place of business  
304 or employment for which the violation exists. The stop work order shall be effective 24 hours  
305 after it is served upon the violator or the place of business or employment. A stop work order  
306 may be served in hand or at a place of business, employment or job site by posting a copy of the  
307 stop work order in a conspicuous location. The stop work order shall be in effect, subject to an

308 appeal under subsection (b), until the attorney general issues an order to release the stop work  
309 order upon a finding that the violation has been corrected.

310 (b) A person or entity aggrieved by the imposition of a stop work order shall have 10  
311 days from the date of its service to make a request for a hearing to be held in a manner  
312 determined by the attorney general. A person or entity that timely files such an appeal shall be  
313 granted a hearing in accordance with chapter 30A not later than 21 days after receipt of the  
314 appeal. The stop work order shall not be in effect during the pendency of a timely filed appeal.

315 (c) A stop work order imposed against a person or entity shall be effective against any  
316 successor person or entity that: (i) has at least 1 of the same principals or officers as the person or  
317 entity against whom the stop work order was issued; and (ii) is engaged in the same or equivalent  
318 trade or activity as the person or entity for which the stop work order was imposed.

319 (d) An employee affected by a stop work order pursuant to this section shall be paid for  
320 the period the stop work order is in place or the first 10 days the employee would have been  
321 scheduled to work if the stop work order had not been issued, whichever is less, by the person or  
322 entity that was served the stop work order. Time lost by an employee affected by a stop work  
323 order pursuant to this section, not exceeding 10 days, shall be considered time worked under  
324 chapters 149 and 151. Subsection (c) of section 148E shall not apply to wages due and payable  
325 under this subsection.

326 (e) The attorney general may promulgate regulations to implement this section.

327 Section 148G. (a) Upon finding that any person or entity has engaged in a wage theft  
328 violation, the attorney general may issue a stop work order to an employing unit and the officer  
329 or agent of the employing unit, requiring the cessation of all business operations of the violating

330 person or entity as to the specific place of business and employment for which the violation  
331 exists.

332 Not less than 5 days before the commencement of a stop work order under this section,  
333 the attorney general shall notify the violating person or entity of the intended action and give the  
334 person or entity an opportunity to confer with the attorney general in person or through counsel  
335 or other representative as to the proposed action. Notice shall be given to the person or entity by  
336 mail, postage prepaid, to the usual place of business, or if there is no usual place of business, to  
337 the last known address.

338 The stop work order may be issued only against the person or entity found to be in  
339 violation, and only as to the specific place of business and employment for which the violation  
340 exists. The stop work order shall be effective 24 hours after it has been served upon the violator  
341 or the place of business and employment. A stop work order may be served in hand or at a place  
342 of business, employment or job site by posting a copy of the stop work order in a conspicuous  
343 location. The stop work order shall be in effect, subject to an appeal under subsection (b), until  
344 the attorney general issues an order to release the stop work order upon a finding that the  
345 violation has been corrected.

346 (b) A person or entity aggrieved by the imposition of a stop work order shall have 10  
347 days from the date of its service to make a request for a hearing to be held in a manner  
348 determined by the attorney general. A person or entity that timely files such an appeal shall be  
349 granted a hearing in accordance with chapter 30A not later than 21 days after receipt of the  
350 appeal. The stop work order shall not be in effect during the pendency of a timely filed appeal.

351 (c) A stop work order imposed under this section against a person or entity shall be  
352 effective against any successor person or entity that: (i) has at least 1 of the same principals or  
353 officers as the person or entity against whom the stop work order was issued; and (ii) is engaged  
354 in the same or equivalent trade or activity as the person or entity for which the stop work order  
355 was imposed.

356 (d) An employee affected by a stop work order pursuant to this section shall be paid for  
357 the period the stop work order is in place or the first 10 days the employee would have been  
358 scheduled to work if the stop work order had not been issued, whichever is less, by the person or  
359 entity that was served the stop work order. Time lost by an employee affected by a stop work  
360 order issued pursuant to this section, not exceeding 10 days, shall be considered time worked  
361 under chapters 149 and 151. Subsection (c) of section 148E shall not apply to wages due and  
362 payable under this subsection.

363 (e) The attorney general may promulgate regulations to implement this section.

364 SECTION 23. Section 150 of said chapter 149, as appearing in the 2022 Official Edition,  
365 is hereby amended by inserting, in line 22, after the word "148C" the following word:- , 148E.

366 SECTION 24. Section 150C of said chapter 149, as appearing in the 2022 Official  
367 Edition, is hereby amended by striking out, in line 9, the workers “one thousand dollars,” and  
368 inserting in place thereof the following words:- \$1,000 or shall be subject to a civil citation or  
369 order as provided in subsection (b) of section 27C.

370 SECTION 25. Said section of 150C of said chapter 149, as so appearing, is hereby further  
371 amended by adding the following sentence:- The president and treasurer of a corporation and any

372 officers or agents having the management of such corporation shall be considered the employers  
373 of the employees of the corporation for the purposes of this section.

374 Nothing in this section shall limit parties aggrieved by an employer's failure to make  
375 insurance benefit contributions utilizing other remedies at law or equity afforded by other  
376 chapters of the general laws, the common law, or federal law.

377 SECTION 26. Said chapter 149 of the General Laws is hereby amended by striking out  
378 section 148A and inserting in place thereof the following section:-

379 Section 148A. (a) Any person or entity, including an employer or its agent, who in any  
380 manner discriminates or takes adverse action, or threatens to discriminate or take adverse action,  
381 against any person because that person has opposed a violation of this chapter, complained to the  
382 attorney general or to any other person of a violation of this chapter, assisted any other person in  
383 exercising rights under this chapter, informed any other person of rights under this chapter, or  
384 instituted, assisted in, or testified in any investigation or proceedings under or related to this  
385 chapter, or because of a belief that the person may in the future engage in any such actions, shall  
386 have violated this section and shall be punished or subject to civil proceedings as provided in  
387 subsection (b) or subsection (d) of section 27C, or section 150, and shall recover actual damages,  
388 compensatory damages, punitive damages, injunctive relief or any other appropriate relief.

389 (b) There shall be a rebuttable presumption of a violation of this section if a person or  
390 entity discriminates or takes adverse action, or threatens to discriminate or take adverse action,  
391 against any person within 90 days of that person's exercise of rights under this chapter, including  
392 activity protected by this section. This presumption may be rebutted by clear and convincing

393 evidence that the action was taken for a permissible purpose and that it would have been taken in  
394 the absence of the protected activity.

395 SECTION 27. Section 19 of chapter 151 of the General Laws, as appearing in the 2022  
396 Official Edition, is hereby amended by striking out subsection (1) and inserting in place thereof  
397 the following subsection:-

398 (1)(a) Any person or entity, including an employer or its agent, who in any manner  
399 discriminates or takes adverse action, or threatens to discriminate or take adverse action, against  
400 any person because that person has opposed a violation of this chapter, complained to the  
401 attorney general or any other person of a violation of this chapter, assisted any other person in  
402 exercising rights under this chapter, informed any other person of rights under this chapter, or  
403 instituted, assisted in, or testified in any investigation or proceedings under or related to this  
404 chapter, or because of a belief that the person may in the future engage in any such actions, shall  
405 have violated this section and shall be punished or subject to civil proceedings as provided in  
406 subsection (b) or subsection (d) of section 27C, or section 150, and shall recover actual damages,  
407 compensatory damages, punitive damages, injunctive relief or any other appropriate relief.

408 (b) There shall be a rebuttable presumption of a violation of this subsection if a person or  
409 entity discriminates or takes adverse action, or threatens to discriminate or take adverse action,  
410 against any person within 90 days of that person's exercise of rights under this chapter, including  
411 activity protected by this subsection. This presumption may be rebutted by clear and convincing  
412 evidence that the action was taken for a permissible purpose and that it would have been taken in  
413 the absence of the protected activity.

414                   SECTION 28. Chapter 149 of the General Laws, as so appearing, is hereby amended by  
415   inserting after section 148G the following section 148H:-

416                   (a) For purposes of this section, the following terms shall have the following meanings:

417                   (1) "Aggrieved person", any employee, prospective or former employee, or person  
418   providing services for remuneration to another against whom one or more of the alleged  
419   violations was committed by the alleged violator, whether or not employed by the violator at the  
420   time an action is filed, including any person who is not classified by an employer as an employee  
421   but who claims to be an employee and whose claims against the purported employer related to  
422   such alleged misclassification.

423                   (2) "Public enforcement action", a civil action brought by a relator under this section to  
424   enforce protections enforceable by the attorney general.

425                   (3) "Relator", a whistleblower or representative organization that acts as a plaintiff in a  
426   public enforcement action under this section.

427                   (4) "Representative organization", an organization that is tax-exempt under subsection  
428   (c)(3), (c)(4) or (c)(5) of the federal Internal Revenue Code, 26 U.S.C. section 501, and that  
429   regularly advocates on behalf of employees or that regularly assists in enforcement of this  
430   chapter or chapter 151 and that has been selected by an aggrieved individual to initiate a public  
431   enforcement action on the aggrieved person's behalf, in writing in a form prescribed by the  
432   attorney general. In such cases, the aggrieved party's name and personal identifying information  
433   shall be kept confidential if the aggrieved party so chooses.

434 (5) "Whistleblower", an aggrieved individual or any current or former employee,  
435 contractor, subcontractor, employee of a contractor or subcontractor of the defendant, vendor, or  
436 client with knowledge of the alleged violations that is independent of and materially adds to any  
437 publicly disclosed information about the alleged violations.

438 (b)(1) A relator, on behalf of the attorney general, may initiate a public enforcement  
439 action pursuant to the procedures and subject to the limitations specified in subsection (e) of this  
440 section. Such action may be brought in any court of competent jurisdiction. Such an action may  
441 allege multiple violations that have affected different parties aggrieved by the same defendant.

442 (2) For purposes of public enforcement actions brought pursuant to this section,  
443 whenever the attorney general is authorized to assess or seek civil remedies, including penalties,  
444 equitable and declaratory relief, and other civil relief, for a violation of section 21, 26-27H, 52D,  
445 100, 148, 148A, 148B, 148C, 148E, 150A, 150C, 152, 152A, 159C, or 190 of this chapter, or of  
446 chapter 151, a court is hereby authorized to assess the same civil remedies. Where the section of  
447 chapter 149 or chapter 151 establishes an employer's obligation to maintain certain working  
448 conditions, but no civil penalty is specifically provided for a breach of that obligation, there is  
449 hereby established a civil penalty of \$500 for each aggrieved person per two-week period in  
450 which the breach occurred. All civil penalties shall be awarded for each person aggrieved by the  
451 violation during each two-week period in which the violation occurred.

452 (3) When a civil remedy is recovered pursuant to decision or settlement in any public  
453 enforcement action, the relator shall be awarded reasonable attorneys' fees and costs.

454 (4) Nothing in this section shall operate to limit an aggrieved party's right to pursue a  
455 private action based on the same violation or injury.

456 (5) Nothing in this section shall operate to limit the attorney general's right to seek  
457 restitution and damages, where available, for aggrieved parties as part of a public enforcement  
458 action in which it has intervened.

459 (6) Civil remedies recovered in a public enforcement action or settlement of a proposed  
460 action shall be distributed as follows:

461 (i) Where the attorney general has not intervened, 30 percent to the relator and 70 percent  
462 to the attorney general for enforcement of and education about the rights and obligations  
463 enforceable under this chapter and chapter 151. Twenty-five percent of the attorney general's  
464 share shall be reserved for providing funding to community-based outreach and enforcement  
465 activities under subsection (f) of this section. The attorney general shall promulgate regulations  
466 relative to further distribution and disbursal of recoveries. Any funding received by the attorney  
467 general under this section shall be continuously appropriated to supplement, and not supplant,  
468 other funding for those purposes;

469 (ii) Where the attorney general has intervened, 20 percent to the relator and 80 percent to  
470 the attorney general for enforcement of and education about the rights and obligations  
471 enforceable under this chapter and chapter 151. Twenty-five percent of the attorney general's  
472 share shall be reserved for providing funding to community-based outreach and enforcement  
473 activities under subsection (f) of this section. The attorney general shall promulgate regulations  
474 relative to further distribution and disbursal of recoveries. Any funding received by the attorney  
475 general under this section shall be continuously appropriated to supplement, and not supplant,  
476 other funding for those purposes;

477 (7) The right to bring a public enforcement action under this section shall not be impaired  
478 by any special contract.

479 (8) Notwithstanding any other provision of law, a public enforcement action authorized  
480 by this section shall be commenced within the same period of time that the attorney general has  
481 to take enforcement action under this chapter or chapter 151. The statute of limitations for  
482 bringing a public enforcement action under this section shall be tolled from the date that a relator  
483 files a notice pursuant to subsection (e) of this section with the attorney general, or the date that  
484 the attorney general commences an investigation, whichever is earlier.

485 (c)(1) Notwithstanding the provisions of subsection (b) of this section, no public  
486 enforcement action may be brought by a relator:

487 (i) If the attorney general, on the same facts and theories, cites a person or entity within  
488 the time periods set forth in subsection (e) of this section for a violation of the same section or  
489 sections of the General Laws under which such relator is attempting to recover a civil penalty or  
490 other remedy on behalf of aggrieved employees or others, or files a proceeding to assess  
491 penalties or to enforce other remedies available to the attorney general, provided that the attorney  
492 general serves notice to the relator pursuant to subsection (e) of this section. Public enforcement  
493 actions belong to the attorney general and preclude subsequent attorney general enforcement  
494 efforts based on the same facts and law, whether brought by the attorney general or a relator  
495 under this section. However, nothing in this section shall operate to limit the attorney general's  
496 right to seek additional civil remedies for aggrieved parties as part of a public enforcement action  
497 in which it has intervened.

(ii) For any violation of a posting, notice, agency reporting, or filing requirement, except

499 where the filing or reporting requirement involves mandatory payroll reporting.

504 (d) (1) No one shall retaliate or take adverse action in any manner against an aggrieved  
505 person or whistleblower, or threaten to retaliate or take adverse action, because:

506 (i) the aggrieved person or whistleblower has brought a public enforcement action;

507 (ii) the aggrieved person or whistleblower has cooperated with a relator in a public  
508 enforcement action or the attorney general in investigating, prosecuting, or intervening in a  
509 public enforcement action; or

510 (iii) it is believed that the aggrieved person or whistleblower may bring a public  
511 enforcement action or cooperate with one.

512 (2) Any person aggrieved by a violation of this subsection may enforce it as provided by  
513 section 27C or section 150 of this chapter, or as provided by section 19 of chapter 151.

514 (e) (1) No public enforcement action pursuant to this section may be commenced prior to  
515 60 days after written notice of the claim has been filed by the relator with the attorney general.

516 (2) The relator shall submit a filing fee of 75 dollars with each filing of notice subject to  
517 waiver in accordance with regulations promulgated by the attorney general. Notice and

518 submission of the filing fee shall toll the statute of limitations on the enforcement action for  
519 which notice has been provided.

520 (3) The attorney general shall establish an online portal to provide for efficient electronic  
521 filing of the notice.

522 (4) The notice shall be construed in the light most favorable to the relator, and shall  
523 include:

524 (i) The name, address and contact information of the alleged violator.

525 (ii) The name and contact information of the relator.

526 (iii) The name, address, and contact information of the relator's legal counsel, should one  
527 exist.

528 (iv) A concise statement of the underlying claim reasonably calculated to apprise the  
529 attorney general of the substance and nature of the claim.

530 (5) The attorney general shall, by regulation, provide for the right of a relator to furnish  
531 an amended notice, if the attorney general determines that the relator's original notice pursuant  
532 to paragraph (1) of this subsection was not in compliance with this section or the regulations  
533 issued thereunder. Such determination by the attorney general shall identify with particularity the  
534 deficiencies in the original notice. If such determination and the opportunity to amend are not  
535 provided by the attorney general within thirty days of the original notice, the original notice shall  
536 be deemed to comply with this section. The relator shall have thirty days from receiving the  
537 determination of the attorney general of noncompliance with this section to amend the notice.  
538 The amended notice will relate back to the original notice.

539 (6) If the attorney general intends to investigate the alleged violation, it shall notify the  
540 relator of its decision within 30 calendar days of the date of the notice received pursuant to  
541 paragraph (1) of this subsection. Within 120 calendar days of that decision, the attorney general  
542 may investigate the alleged violation and issue any appropriate citation. If the attorney general,  
543 during the course of its investigation, determines that additional time is necessary to complete  
544 the investigation, it may extend the time by not more than 30 additional calendar days and shall  
545 issue a notice of the extension. If the attorney general determines that a citation shall not be  
546 issued, it shall notify the relator of that decision within five business days thereof by certified  
547 mail.

548 (7) Upon receipt of notice that no citation will be issued, or if no citation is issued by the  
549 attorney general within the time limits prescribed herein, or if the attorney general fails to  
550 provide timely or any notification, the relator may commence a public enforcement action.

561 (9) The attorney general may intervene in a public enforcement action and proceed with  
562 any and all claims in the action:

563 (i) As of right within 30 days after the filing of the action;

564 (ii) For good cause shown, as determined by the court, after the expiration of the 30-day  
565 period after the filing of the action.

566 (10) If the attorney general intervenes in an action it shall have primary responsibility for  
567 prosecuting the action and shall not be bound by an act of the relator bringing the action. In such  
568 cases, the relator shall remain a party to the action. The attorney general may move to dismiss or  
569 settle the action after the relator has been notified of the filing of the motion and has been  
570 provided with an opportunity to be heard, and the court determines that such dismissal or  
571 settlement is fair, adequate, reasonable, and in the public interest. Any disposition by the attorney  
572 general shall provide compensation for reasonable attorneys' fees and costs expended on behalf  
573 of the relator in instituting the action.

574 (11) If the attorney general does not intervene in the action, the relator shall have the  
575 right to conduct such an action subject to the following limitations:

576 (i) The court shall review and approve any settlement of any action filed pursuant to this  
577 section. The proposed settlement shall be submitted to the attorney general concurrent with  
578 submission to the court. The court shall approve a settlement of the action only upon a  
579 determination that such settlement or voluntary dismissal is fair, adequate, reasonable, and in the  
580 public interest.

581 (ii) If the attorney general so requests, it shall be served with copies of all pleadings filed  
582 in the action and shall be supplied with copies of all deposition transcripts. The attorney general  
583 shall bear any costs associated with service of such pleadings and depositions.

584 (12) No public enforcement action brought pursuant to this section shall be subject to the  
585 requirements of rule 23 of the Massachusetts rules of civil procedure.

586 (f) (1) The Community Outreach and Labor Education Fund is established as a special  
587 fund, separate and distinct from the general fund. Interest earned by the Community Outreach  
588 and Labor Education Fund shall be credited to the same fund. All moneys in the Community  
589 Outreach and Labor Education Fund shall be continuously appropriated for the purpose of  
590 awarding grants as provided in paragraph (3) of this subsection.

600 (4) Grants provided from the Community Outreach and Labor Education fund shall be  
601 used for activities to assist workers in enforcing employment rights, including outreach,

602 community-based education events, training materials, technical assistance, counseling, research  
603 and referral services.

604 (5) When considering applications for grants, the attorney general shall give priority to  
605 projects that provide services to especially vulnerable workers.

606 (g) (1) If any word, phrase, clause, sentence, paragraph, section or part of this section or  
607 the application thereof to any person or circumstances shall be adjudged invalid by a court of  
608 competent jurisdiction, such order or judgment shall be confined in its operation to the  
609 controversy in which it was rendered, and shall not affect or invalidate the remainder of this  
610 section, but shall be confined in its operation to the word, phrase, clause, sentence, paragraph,  
611 section or part thereof directly involved in the controversy in which such judgment shall have  
612 been rendered.

613 (2) This section shall be liberally construed in light of its remedial purposes to expand the  
614 enforcement of statutes protecting workers in the commonwealth.

615 SECTION 29. Section 2A of Chapter 151 of the General Laws, as appearing in the 2022  
616 Official Edition is hereby amended by striking out, in the second sentence, the word “\$8.00” and  
617 replacing it with the following words:-

618 “the minimum wage set forth in section 1 of this chapter”.

619 SECTION 30. Chapter 151 of the General Laws, as appearing in the 2022 Official  
620 Edition, is hereby amended by striking out the following words:-

621       “, or of an employee whose earning capacity is impaired by age or physical or mental  
622       deficiency or injury, or of an employee who is certified by the secretary of health and human  
623       services or his designee as a handicapped person,”

624       SECTION 31. Chapter 10 of the General Laws is hereby amended by adding after section  
625       78 the following section:-

626       Section 79. (a) As used in this section the followings words and terms shall have the  
627       following meanings:

628       “Accounting”, a designated beneficiary’s pro rata share of the fund, as determined by the  
629       state treasurer.

630       “Board”, means the Massachusetts Baby Bonds Trust Fund Advisory Board.

631       “Committee”, means the Massachusetts Baby Bonds Community Advisory Committee.

632       “Designated beneficiary”, means any individual who: (i) is born on or after July 1, 2024;  
633       and (ii) receives cash assistance under transitional aid to families with dependent children or is a  
634       child under the care or custody of the Massachusetts department of children and families within  
635       the first twelve months of their life.

636       “Eligible expenditure”, means an expenditure associated with any of the following: (i)  
637       post-secondary education of a designated beneficiary at a vocational or apprentice program,  
638       community college, or university that is located in and licensed, approved, or accredited by the  
639       commonwealth; (ii) investment in an entity doing business in the commonwealth by a designated  
640       beneficiary; (iii) purchase of a home in the commonwealth by a designated beneficiary; or (iv)

641 any investment in financial assets or personal capital that provides long-term gains to wages or  
642 wealth, as defined by regulation promulgated by the state treasurer.

643 "Fund", means the Massachusetts Baby Bonds Trust Fund.

644 (b)(1) There shall be a Massachusetts Baby Bonds Trust Fund for the exclusive purpose  
645 of assisting designated beneficiaries in pursuing opportunities for education, housing, and  
646 entrepreneurship, in order to create opportunities for financial independence.

647 (2) The state treasurer shall administer the fund. The state treasurer may contract with  
648 practitioners, administrators, investment managers and other entities in order to design,  
649 administer and provide investment options for the fund. The provisions of section 38 of chapter  
650 29 of the general laws shall not apply to the investment of the fund.

651 (3) The state treasurer may accept moneys from public and private sources, including, but  
652 not limited to gifts, grants and donations, but not in lieu of contribution by the General Court.  
653 The state treasurer may expend moneys from the fund for all reasonable and necessary direct  
654 costs and expenses incurred with the management and investment of the fund.

655 (4) Moneys deposited in the fund shall not be subject to further appropriation and any  
656 moneys that are unexpended at the end of a fiscal year shall not revert to the General Fund and  
657 shall be available for expenditure in the following fiscal year. No expenditure made from the  
658 fund shall cause the fund to become deficient at any point.

659 (5) The state treasurer shall report annually on or before December 31 to the governor  
660 and house and senate committees on ways and means: (i) the balance of the fund and (ii) the total

661 return generated by the principal of said fund during the prior 12-month period ending on June  
662 30.

663 (c)(1) There shall be a Baby Bonds Trust Fund Advisory Board. The board shall meet  
664 from time to time to assist the state treasurer in the development of general policy regarding the  
665 fund and shall provide technical advice and input to the state treasurer. Matters considered by the  
666 board shall include, but not be limited to: (i) identification of eligible expenditures; (ii)  
667 development of mitigation measures to prevent fraud, scams, or financial exploitation of  
668 designated beneficiaries related to eligible expenditures; and (iii) partnerships with individuals  
669 and communities disproportionately impacted by the racial wealth gap in program expansion and  
670 development, including, but not limited to, regular collaboration with the Massachusetts Baby  
671 Bonds Community Advisory Committee established in subsection (d).

672 (2) The board shall consist of 17 members. There shall be 6 nonvoting members, 2 of  
673 whom shall be appointed by the president of the senate, 1 of whom shall be appointed by the  
674 minority leader of the senate, 2 of whom shall be appointed by the speaker of the house of  
675 representatives and 1 of whom shall be appointed by the minority leader of the house. There  
676 shall be 11 voting members: the state treasurer, or a designee, who shall serve as chair; the  
677 secretary for administration and finance, or a designee; the secretary of education, or a designee;  
678 the attorney general, or a designee; 2 members of the Baby Bonds Community Advisory  
679 Committee established in subsection (d), selected by said committee; and 4 members appointed  
680 by the state treasurer 2 of whom shall be experts in economics and socio-economic policy and 2  
681 of whom shall be individuals from, or who have experience advocating on behalf of, a census  
682 tract where over 20 per cent of the populations fall below the federal poverty line. The appointed  
683 members shall each serve for a term of 5 years and shall be eligible for reappointment. The board

684 shall serve without compensation but shall be reimbursed for necessary expenses incurred in the  
685 performance of their duties.

686 (3) The board shall report annually on or before December 31 to the governor and the  
687 house and senate committees on ways and means.

688 (d) There shall be in the office of the treasurer and receiver general a Massachusetts Baby  
689 Bonds Community Advisory Committee which shall facilitate regular community engagement  
690 and outreach concerning the administration and allocation of the Baby Bonds Trust Fund. The  
691 committee shall be comprised of individuals and interested stakeholders from geographically  
692 diverse regions of the commonwealth. The committee shall serve without compensation but shall  
693 be reimbursed for necessary expenses incurred in the performance of their duties.

694 (e)(1) At any time upon their reaching the age of 18 and prior to their reaching the age of  
695 35, a designated beneficiary may submit a claim to distribute, in whole or in part, their  
696 accounting; provided, however, that the designated beneficiary shall demonstrate that the  
697 distribution will be applied toward an eligible expenditure; provided further, that, at the time of  
698 the application, the designated beneficiary is a resident of the commonwealth.

699 (2) A designated beneficiary may not assign, alienate or otherwise dispose of any portion  
700 of or interest in such accounting to another individual at any time prior to receiving the full  
701 distribution of the amounts in their accounting.

702 (3) If a designated beneficiary fails to submit a valid claim prior to their reaching age 35,  
703 their accounting shall be credited back to the assets of the fund.

704 (4) In the case of the death of a designated beneficiary prior to their reaching the age of  
705 35, upon receipt of notification of such individual's death, their accounting shall be credited back  
706 to the assets of the fund.

707 (5) The state treasurer shall seek to develop and make regularly available relevant  
708 resources and supports designed to assist in making financial decisions to designated  
709 beneficiaries and their households. The state treasurer shall encourage and incentivize designated  
710 beneficiaries to utilize said resources and supports prior to the distribution of funds to support an  
711 eligible expenditure.

712 (f) (1) Notwithstanding any general or special law to the contrary, no moneys invested in  
713 the fund shall be considered an asset for purposes of determining an individual's or the  
714 individual's household's eligibility for, or amount of, any benefit or service, including, but not  
715 limited to: temporary assistance for needy families and need-based, institutional aid grants  
716 offered to an individual at the public educational institutions in the commonwealth.

717 (2) Notwithstanding any general or special law to the contrary, contributions to an  
718 accounting on behalf of a designated beneficiary shall not be included in calculating the gross  
719 income of the designated beneficiary under chapter 62.

720 (g) To carry out the purposes of this section, the Massachusetts department of transitional  
721 assistance, the Massachusetts department of children and families, the Massachusetts department  
722 of elementary and secondary education, and the Massachusetts department of public health shall  
723 provide to the office of the state treasurer any information it deems necessary to fund,  
724 coordinate, and evaluate activities of the fund. Said agencies shall enter an agreement with the

725 office of the state treasurer to document the data sharing procedures and the information to be  
726 shared.

727 (h) The state treasurer may promulgate rules and regulations as necessary or proper for  
728 the administration and enforcement of subsections (a) through (g), inclusive.

729 SECTION 32. Chapter 23A of the General Laws is hereby amended by adding the  
730 following three sections:-

731 Section 70.

732 (a) As used in this section, the following words shall, unless the context clearly requires  
733 otherwise, have the following meanings:

734 “Account holder”, a household that is an eligible participant.

735 “Eligible participant”, a household which has an income that does not exceed 80 percent  
736 of the median income for the area, as such median shall be determined from time to time by the  
737 secretary of the United States Department of Housing and Urban Development pursuant to 42  
738 U.S.C. 1437(a)(B)(2) or any successor legislation and the regulations promulgated thereunder;  
739 provided however, that:

740 notwithstanding any federal law or rule to contrary, a person shall not be denied  
741 assistance under this chapter based wholly or in part on the amount of the person’s assets;

742 that any income generated by such assets may be treated as countable income;

743 receipt of federal, state or local public assistance of any form shall not make a person  
744 ineligible to be an account holder.

745        “Community-based organization”, a public or private nonprofit organization that is  
746    exempt from taxation under 26 U.S.C. 501(c)(3), a community foundation, housing authority, a  
747    city or town with demonstrated effectiveness in representing a community or a significant  
748    segment of a community and providing educational or related social services to individuals in  
749    that community.

750        “Fiscal intermediary”, a Massachusetts nonprofit organization that is exempt from  
751    taxation under 26 U.S.C. 501(c)(3) with demonstrated effectiveness in matched-savings account  
752    management.

753        “Financial institution”, a bank, credit union, any association or corporation chartered by  
754    the commonwealth under chapter 168, 170, 171 or 172, or an individual, association, partnership  
755    or corporation incorporated or doing a banking business in the commonwealth subject to the  
756    supervision of the commissioner.

757        “Matched-savings account”, a contract between an account holder and a fiscal  
758    intermediary to increase their economic mobility.

759        (b) (1) A person who qualifies to become an account holder may establish a matched-  
760    savings account. The matched-savings account shall permit the account holder to work towards  
761    approved savings goals set forth in subsection (c).

762        (2) A matched-savings account shall provide for the deposit of funds into 2 accounts at a  
763    financial institution: (i) a designated account at a financial institution by the account holder and;  
764        (ii) the deposit of matching funds by the fiscal intermediary into a designated account at a  
765    financial institution.

766 (3) Before creating a matched-savings account, a person shall create a savings plan  
767 developed by the participant and a community-based organization. The plan shall provide the  
768 participant with the appropriate financial education, counseling and asset-specific training  
769 designed to increase the economic mobility of the participant's household.

770 (c) Approved savings goals shall serve to increase economic mobility including, but not  
771 limited to:

772 (1) the acquisition of post-secondary education or job training;

773 (2) if the account holder has established the account for the benefit of a household  
774 member who is under the age of 18 years, the payment of extracurricular non-tuition expenses  
775 designed to prepare the member for post-secondary education or job training;

776 (3) if the account holder has established a savings plan authorized under 26 U.S.C. 529 or  
777 prepaid tuition plan on behalf of a designated beneficiary, the participant shall provide accurate  
778 account statements to the fiduciary organization in order to earn match;

779 (4) the purchase of a primary residence; provided further, that account moneys under this  
780 paragraph shall be broadly construed to include, but not be limited to: (i) payment on the  
781 purchase price of the residence; and (ii) any usual or reasonable settlement, financing, or other  
782 closing costs;

783 (5) the rental of a primary residence; provided further, that account moneys under this  
784 paragraph shall be broadly construed to include, but not be limited to: (i) security deposits; (ii)  
785 first month's rent; (iii) prepayment of last month's rent; (iv) application fees; (v) major

786                   appliances not included in the lease necessary to move into the primary residence; and

787                   (vi) moving expenses;

788                   (6) the capitalization of a small business; provided further, that account moneys under

789                   this paragraph shall be broadly construed to include, but not be limited to: (i) capital, plant,

790                   equipment, and inventory expenses, (ii) hiring employees upon capitalization of the small

791                   business; (iii) working capital;

792                   (7) improvements, repairs, or modifications to a home already owned and occupied as a

793                   primary residence in Massachusetts by the account holder;

794                   (8) the purchase of equipment, adaptive technology or specialized training required to

795                   become competitive in obtaining or maintaining employment, or to start or maintain a business,

796                   or to increase the economic mobility of the account holder;

797                   (9) the purchase or repair of a vehicle, as specified in the account holder's matched-

798                   savings plan for increasing the economic mobility of the person;

799                   (10) the saving of funds for a qualified individual retirement account;

800                   (11) the payment of debts owed when the account holder is saving for another allowable

801                   purpose, as specified in the account holder's matched-savings plan; provided further, a non-profit

802                   organization with demonstrated expertise shall provide credit counseling;

803                   (12) the creation or improvement of a credit score by obtaining a secured credit-builder

804                   loan or a financial product that is designed to improve credit, as specified in the account holder's

805                   matched-savings plan for increasing the economic independence of the person.

806                   (d) Policy

807        1. Contributions

808        Any earnings an individual contributes to their Matched-savings account are deducted  
809        from their wages in determining countable income. An individual's contribution that are  
810        deposited in a Matched-savings account are excluded from resources.

811        2. Matching funds

812        Any matching funds that are deposited in a Matched-savings account are excluded from  
813        income and resources.

814        3. Interest

815        Any interest earned on the individual's own contributions and on the matching funds that  
816        are deposited in a Matched-savings account is excluded from income and resources.

817        (e) A fiscal intermediary may qualify as the recipient of account contributions only if the  
818        fiscal intermediary structures the accounts to have the following features:

819        (1) The fiscal intermediary matches amounts deposited by the account holder according  
820        to a formula established by the fiscal intermediary. The fiscal intermediary shall deposit  
821        up to \$4 into the account for each \$1 deposited by the account holder.

822        (2) The matching deposits by the fiscal intermediary to the matched-savings account are  
823        placed in a savings account that is controlled by the fiscal intermediary and is separate from the  
824        savings account of the account holder.

825        (e)(1) If an emergency occurs, an account holder may withdraw all or part of the account  
826        holder's deposits to a matched-savings account for a purpose not described in subsection (c). A

827 financial emergency is a disruption to the account holder's economic circumstances including  
828 but not limited to: (i) making payments for necessary medical expenses; (ii) avoiding eviction of  
829 the account holder from the account holder's residence; (iii) for necessary living expenses  
830 following a change in economic circumstances.

831 (2) The account holder shall resume contributions to the account holder's savings account  
832 after the account holder deems that the financial emergency has been resolved. The account  
833 holder may choose to continue to pursue the savings plan through the appropriate financial  
834 education, counseling and asset-specific training in coordination with the account holder's  
835 community-based organization while experiencing the financial emergency.

836 (3) If an account holder withdraws funds from a matched-savings account for other than  
837 an approved purpose, the fiscal intermediary may remove the account holder from the program.

838 (f)(1) If the account holder of an account established for the purpose set forth in the third  
839 paragraph through the tenth paragraph, inclusive, of subsection (c) has achieved the account's  
840 approved purpose in accordance with the matched-savings plan developed by the account holder,  
841 the account holder may withdraw, or authorize the withdrawal of, the remaining amount of all  
842 deposits, including matching deposits, and interest in the account as follows: (i) for an account  
843 established for the purpose set forth in subsection (c)(3) of this section, by rolling over the entire  
844 withdrawal amount into one or more savings plans authorized under 26 U.S.C. 529, the  
845 establishment of which is the purpose of the matched-savings account; or (ii) for an account  
846 established for the purpose set forth in subsection (c)(10) of this section, by rolling over the  
847 entire withdrawal amount into an individual retirement account, a retirement plan or a similar  
848 account or plan established under the Internal Revenue laws of the United States.

849 (2) Upon withdrawal of all funds in the matched-savings account as provided in the first  
850 paragraph of this subsection, the account relationship shall terminate.

851 (g) (1) If an account holder moves from the area where the program is conducted or is  
852 otherwise unable to continue in the program, the fiscal intermediary may remove the account  
853 holder from the program.

854 (2) If the fiscal intermediary removes an account holder from the program, all matching  
855 deposits in the account and all interest earned on matching deposits shall revert to the fiscal  
856 intermediary. The fiscal intermediary shall use the reverted funds as a source of matching  
857 deposits for other accounts.

858 (h) (1) The executive office of housing and livable communities may select a fiscal  
859 intermediary to administer moneys directed by the commonwealth to matched-savings account  
860 purposes.

861 (2) In making the selection, the executive office of housing and livable communities shall  
862 consider factors related to its effectiveness including, but not limited to: (i) the ability of the  
863 fiscal intermediary to implement and administer the matched-savings program, including the  
864 ability to verify account holder eligibility, certify that matching deposits are used only for  
865 approved purposes and exercise general fiscal accountability; (ii) the capacity of the fiscal  
866 intermediary to convene and provide professional development opportunities that increase the  
867 capacity of community-based organizations to provide financial education, counseling, and asset-  
868 related training to account holders; (iii) the partnerships that the fiscal intermediary maintains  
869 with like-minded community-based organizations, government agencies, and other entities that  
870 support asset-building and wealth creation among the lower-income households across the

871 commonwealth; (iv) Subject to executive office of housing and livable communities rules, a  
872 fiscal intermediary has sole authority over, and responsibility for, the administration of matched-  
873 savings accounts.

874 (3) The fiscal intermediary may use at least 5 percent of the allocated moneys to the  
875 matched-savings program for account management, compliance, and participation in audits.

876 (4) (i) The fiscal intermediary shall ensure that account holders include people of color  
877 and women, at least in such proportion as these groups exist in the commonwealth's population  
878 as periodically determined by the state secretary as the commonwealth's chief census officer. (ii)  
879 The fiscal intermediary shall ensure that account holders represent diverse geographic areas of  
880 the commonwealth, including urban, rural and suburban areas.

881 (5) The fiscal intermediary shall provide the executive office of housing and livable  
882 communities with an annual report of the fiscal intermediary's matched-savings account program  
883 activity. The fiscal intermediary shall file the report with the executive office of housing and  
884 livable communities no later than 90 days after the end of the fiscal intermediary's fiscal year.  
885 The report shall include, but is not limited to: (i) the number of matched-savings accounts  
886 administered by the fiscal intermediary; (ii) the amount of deposits and matching deposits for  
887 each account; (iii) the purpose of each account; (iv) the number of withdrawals made; and (v)  
888 participant demographics including, but not limited to, race, ethnicity, age, gender identity and  
889 sexual orientation, and any other information the executive office of housing and livable  
890 communities may require for the purpose of making a return-on-investment analysis.

891 (i) (1) Subject to executive office of housing and livable communities rules, the  
892 responsibility of the community-based organization extends to all aspects of operating the

893 matched-savings program, including, but not limited to: (i) marketing and outreach; (ii)  
894 verification and enrollment of participants; (iii) financial education; (iv) one-on-one counseling;  
895 (v) conducting asset-specific training; (vi) indirect costs; (vii) and other required verification and  
896 compliance activities.

897 (2) There is no limit to how many community-based organizations work with the selected  
898 fiscal intermediary if they satisfy the required qualifications. The executive office of housing and  
899 livable communities can set how many community-based organizations participating in offering  
900 the program.

901 (3) A community-based organization shall receive no more than 25 per cent of the  
902 allocated monies for providing all activities set forth in the first paragraph. (j) The executive  
903 office of housing and livable communities may issue regulations to implement this section.

904 Section 70. (a) There shall be a Matched Savings Trust Fund, which shall be administered  
905 by the secretary of housing and livable communities. Monies in the trust fund shall be deposited  
906 with the state treasurer in a manner that will secure the highest interest rate available consistent  
907 with the safety of the trust fund.

908 (b) The secretary shall appoint the trustee of the fund, who shall serve until a successor is  
909 appointed.

910 (c) There shall be credited to the trust fund:

911 (1) all funds appropriated by the general court; (2) federal funds directed to the trust fund;  
912 (3) grants and any other funds directed to the trust fund; and (5) all interest earned on monies in  
913 the trust fund.

914 (d) Expenditures from the fund shall not be subject to appropriation and balances  
915 remaining at the end of a fiscal year shall not revert to the General Fund. Expenditures from the  
916 fund shall be made for promoting economic mobility among account holders as defined in  
917 section 70. Expenditures from the fund may be made for satisfying the objectives of section,  
918 including but limited to, providing matches to account holder contributions to their accounts,  
919 financial education, counseling, asset-specific training, for program administration, the fiscal  
920 intermediary and for oversight by the executive office of housing and livable communities.

921 (e) Not later than August 1 of each fiscal year, the secretary shall submit a spending plan  
922 to the secretary of administration and finance and the house and senate committees on ways and  
923 means. For the purpose of accommodating discrepancies between the receipt of revenues and  
924 related expenditures, the secretary may incur obligations and the comptroller may certify  
925 payment amounts not to exceed the most recent revenue estimate submitted by the secretary and  
926 approved by the secretary of administration and finance but the fund shall be in balance by the  
927 close of each fiscal year.

928 SECTION 33. Section 172 of chapter 6 of the General Laws, as appearing in the 2022  
929 Official edition, is hereby amended by inserting after the last paragraph the following  
930 paragraph:-

931 (p) The commissioner of probation shall add information in the commissioner's database  
932 upon said information's receipt as to the date of a person's release from a house of corrections,  
933 prison or jail to implement automated and expedited record sealing, and the department of  
934 criminal justice information services shall include the date of a person's release from a house of

935 corrections, prison, or jail for any offense as part of criminal offender record information if the  
936 date is known to the department.

937 SECTION 34. Section 18 3/4 of chapter 6A of the General Laws, as so appearing, is  
938 hereby amended by inserting after the last paragraph the following paragraph:-

939 (16) Notwithstanding any other provision of this section to the contrary, the secretary  
940 shall forthwith establish and implement procedures for the department of correction, any house  
941 of corrections and any jail to report on the seventh day of each month to the commissioner of  
942 probation the names, personal identifying information, and the actual dates that any person was  
943 released from the house of corrections, jail or the department of correction during the prior  
944 month and also shall provide such information as to other dates of past release for other  
945 individuals as requested or needed by the commissioner of probation to implement automated  
946 and expedited sealing of records, and the inclusion of the dates a person was released from  
947 custody or incarceration on criminal offender and juvenile court activity record information  
948 reports.

949 SECTION 35. Section 100A of chapter 276 of the General Laws, as so appearing, is  
950 hereby amended by striking the first paragraph and inserting in place thereof the following three  
951 paragraphs:-

952 Notwithstanding any law to the contrary, a person shall not be required to file a petition  
953 or other form of a request in order to seal any record of criminal court appearances and  
954 dispositions related to a criminal offense in the commonwealth under this section after an  
955 applicable waiting period, except as specified within this section. The commissioner of probation  
956 shall establish and implement an automated process for sealing of such records. The

957 commissioner shall seal all such records within 30 days of the time that the records became  
958 eligible for sealing under this section; provided, however, that sealing of any conviction for a sex  
959 offense, as defined in section 178C of chapter 6, shall require that a person with such records file  
960 a request for sealing of such convictions with the commissioner on a form provided by the  
961 commissioner. In the event that records of any offense required to be sealed under this section  
962 without a request are not sealed due to an error or omission or lack of availability of a court  
963 record based on the age of said record, a person with such records shall not be precluded from  
964 seeking relief, and the commissioner of probation shall seal such records forthwith upon receipt  
965 of any request to seal said record from the person or the person's legal representative.

966                   The commissioner of probation shall provide all defendants at the time of a conviction or  
967 other disposition of their offense or offenses with a notice that the offense or offenses may be  
968 sealed in the future without the necessity of filing a petition to seal the records, a brief summary  
969 of the sealing law, and a list of resources related to sealing of records. The clerk's office of any  
970 division of the trial court, the commissioner of probation, and any other criminal justice agency,  
971 upon request of a person whose records are sealed, or the person's legal representative, shall  
972 provide access to the sealed records to the person or the person's legal representative without  
973 said person, or legal representative obtaining a court order or having to unseal the records.

974                   The commissioner of probation shall seal records of any record of criminal court  
975 appearances and dispositions related to a criminal offense or offenses in the commonwealth on  
976 file with the commissioner provided that: (1) the person's court appearance and court disposition,  
977 including any period of incarceration or custody for any misdemeanor record to be sealed  
978 occurred not less than 3 years prior to the sealing; (2) the person's court appearance and court  
979 disposition, including any period of incarceration or custody for any felony record to be sealed

980 occurred not less than 7 years prior to the sealing; and (3) the person has not been found guilty of  
981 any criminal offense in the commonwealth in the case of a misdemeanor, 3 years prior to the  
982 sealing, and in the case of a felony, 7 years prior to the sealing. This section shall apply to court  
983 appearances and dispositions of all offenses, with the exception of convictions for violations of  
984 sections 121 to 129, inclusive, sections 131A to 131D, inclusive, and section 131F of chapter  
985 140, and convictions for violations of chapter 268 and chapter 268A, which are all excluded  
986 from sealing, except for convictions for resisting arrest. A person with a possession of marijuana  
987 offense that was later decriminalized, is not precluded from seeking earlier and immediate  
988 sealing of the records, if the person files a request for such sealing on a form that shall be  
989 provided by the commissioner.

990 SECTION 36. Section 100A of said chapter 276, as so appearing, is hereby amended by  
991 inserting after the word “files”, in line 60, the following words: within 30 days of notification of  
992 such record sealing.

993 SECTION 37. Section 100B of said chapter 276, as so appearing, is hereby amended by  
994 striking out the first paragraph, and inserting in place thereof the following two  
995 paragraphs:-

996 Notwithstanding any law to the contrary, a person charged as a delinquent or youthful  
997 offender shall not be required to file a petition or other form of request in order to seal any record  
998 of criminal court appearances and dispositions related to a juvenile court offense. The  
999 commissioner of probation shall establish and implement an automated process for sealing of  
1000 such records. The commissioner shall seal said records in the commonwealth on file with the  
1001 commissioner within 30 days after any records become eligible for sealing after the applicable 3-

1002 year waiting period. The records shall become eligible for sealing when: (1) any court  
1003 appearance or disposition including court supervision, probation, commitment or parole for the  
1004 records to be sealed, terminated not less than 3 years earlier; and (2) said person has not been  
1005 adjudicated delinquent or as a youthful offender, found guilty of any criminal offense in the trial  
1006 court of the commonwealth, or been committed as a juvenile or imprisoned within the  
1007 commonwealth in the preceding 3 years. In the event that records of any offense required to be  
1008 sealed under this section without a petition are not sealed due to an error or omission or lack of  
1009 availability of a court record based on the age of said record, a person with such an offense shall  
1010 not be precluded from seeking relief, and the commissioner of probation shall seal such records  
1011 forthwith upon receipt of a request to seal said records from the person or the person's legal  
1012 representative.

1013                   The commissioner of probation shall provide all individuals at the time of an adjudication  
1014 or other final disposition of their offense or offenses with a notice that the offenses may be  
1015 sealed in the future without the necessity of filing a petition to seal the records, a brief summary  
1016 of the sealing law, and a list of resources related to sealing of records. The clerk's office of any  
1017 division of the trial court, the commissioner of probation, or any other criminal justice agency,  
1018 upon request of a person whose offense or offenses are sealed, or the person's legal  
1019 representative, shall provide access to the sealed records to the person or the person's legal  
1020 representative without said person, attorney or legal representative obtaining a court order or  
1021 having to unseal the record.

1022                   SECTION 38. Section 100B of said chapter 276, as so appearing, is hereby amended by  
1023 inserting after the word "files", in line 28, the following words:- within 30 days of notification of  
1024 such record sealing.

1025                   SECTION 39. Said section 100B of said chapter 276, as so appearing, is hereby further  
1026                   amended by striking out, in lines 21, 37, 38 and 40, the word “delinquency” each time it appears  
1027                   and inserting in place thereof the following words:- juvenile court

1028                   SECTION 40. Said section 100B of said chapter 276, as so appearing, is hereby further  
1029                   amended by striking out in the fourth paragraph the words “a delinquent” and inserting in place  
1030                   thereof the following words:- by the juvenile court

1031                   SECTION 41. Section 100Q of chapter 276, as so appearing, is hereby further amended  
1032                   by striking out the words “or section 100B” and inserting in place thereof the following words:- ,  
1033                   section 100B or section 100C.

1034                   SECTION 42. Notwithstanding any general law or special law to the contrary, as soon as  
1035                   practicable, and not later than 3 months after the effective date of this act, the commissioner of  
1036                   probation shall seal any other records in its computerized database of: (i) all past criminal court  
1037                   appearances and dispositions in the commonwealth on file with the commissioner that are  
1038                   eligible for sealing under section 100A of chapter 276; and (ii) all past juvenile court offenses in  
1039                   the commonwealth on file with the commissioner that are eligible for sealing under section 100B  
1040                   of chapter 276. In the event that records of any offense that is eligible for sealing are not sealed,  
1041                   a person with such records shall not be precluded from seeking other relief, and the  
1042                   commissioner of probation shall seal such records forthwith upon receipt of any request to seal  
1043                   said records from the person or the person’s legal representative.

1044                   SECTION 43. Chapter 6 of the General Laws is hereby amended by inserting after  
1045                   section 222 the following section:-

1046                   Section 223. The office of access and opportunity.

1047 (a) There shall be within the office of the governor an office of access and opportunity  
1048 (the “OAO”) to ensure ready access to the status of and advise on the work conducted by the  
1049 OAO.

1050 (b) The OAO shall be led by a deputy chief, access and opportunity (the “deputy chief”),  
1051 who shall be appointed by the governor and directly report to the governor’s chief of staff. The  
1052 deputy chief shall advise the governor and the cabinet and work to foster within state  
1053 government non-discrimination and equal opportunity for all irrespective of race, color, age,  
1054 gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry,  
1055 national origin, disability, veteran or active military status (including Vietnam-era veterans), or  
1056 socio-economic background.

(c) There shall be a steering committee on access and opportunity (the “steering committee”) which the deputy chief will chair and convene regularly for advice on the state of access and opportunity across the executive branch and how best to achieve goals of the OAO. The steering committee shall include: the chief human resources officer, human resources division; assistant secretary, operational services division; executive director of the Massachusetts supplier diversity office; director of office of diversity and equal opportunity; director of Massachusetts office on disability; commissioner, division of capital asset management and maintenance; director, compliance unit, division of capital asset management and maintenance; the chief operating officer, Massachusetts Department of Transportation; deputy director, office on diversity and civil rights, Massachusetts Department of Transportation; secretary of the Executive Office of Labor and Workforce Development or their designee; secretary of the Executive Office of Veterans’ Services or their designee; and representative(s) designated by the Secretary of the Executive Office of Education.

1070 (d) The deputy chief shall have the following responsibilities:

1071 (1) collaborate with and maximize relevant initiatives, work and potential of all existing

1072 executive branch agencies, offices and resources with the explicit goal of:

1073 (i) increasing the total number of and dollar volume earned by MBEs, WBEs, and DBEs

1074 contracting with or doing business for the state; and

1075 (ii) maintaining or increasing the number of minorities, veterans and individuals with

1076 disabilities who are state employees;

1077 (2) develop with partnering agencies and offices, in consultation with the Steering

1078 Committee:

1079 (i) an integrated body of policies and actions that reflect best practices and remove

1080 barriers to advance non-discrimination and equity in access to and opportunity in employment,

1081 procurement and the provision of services within state government;

1082 (ii) ideas on how best to implement and incentivize compliance with such policies and

1083 procedures; and

1084 (iii) performance metrics focused on outcomes, such as increasing the total number of

1085 and dollar volume earned by MBEs, WBEs, DBEs contracting with or doing business for the

1086 state; and maintaining or increasing the number of minority, veterans and individuals with

1087 disabilities who are state employees;

1088 (3) convene meetings of key offices, individuals and external stakeholders as needed to

1089 accomplish specified objectives, resolve issues, and make and implement recommendations;

(4) identify state laws and regulations that obstruct or frustrate the state's ability to

provide within its own operations equity in access and opportunity for all persons;

(5) serve as a liaison to pertinent commissions, councils, task forces and offices

throughout state government as needed to accomplish and advance the OAO's goals; and

(6) develop for adoption administrative orders and bulletins to further the OAO's goals,

and prepare such other reports necessary to keep the Governor appropriately apprised of the

work of the OAO.

(e) All state agencies shall provide assistance to the OAO by sharing information and

expertise, as requested.

SECTION 44. The General Laws are hereby amended by inserting after chapter 6E the

following chapter:

## CHAPTER 6F.

## LANGUAGE ACCESS AND INCLUSION.

Section 1. Definitions. For the purposes of sections , the following terms shall have the

following meanings—

“Auxiliary aids and services” mean items, equipment or services that provide effective

communication access for persons with communication disorders including but not limited to

persons who are deaf, hard of hearing, late deafened or blind.

“Culturally competent” means having a set of behaviors, attitudes and policies that

enables effective work in cross-cultural situations which respects and responds to an individual

1110 person's culture and language, in a nonjudgmental and supportive manner, considering the  
1111 service recipient as an individual and not making assumptions based on perceived or actual  
1112 membership in any group or class.

1113 "Equal access" means to be informed of, participate in, and benefit from public programs  
1114 or services offered by a public-facing state agency, at a level equal to English proficient persons.

1115 "Language access plan" is an administrative blueprint that defines the obligations and  
1116 action plan of a public-facing state agency to comply with sections 43 to 45 inclusive. The plan  
1117 shall outline all policies, procedures, and guidance enacted to ensure the provision of language  
1118 access services as a constitutive element of equal access to state benefits, services, and activities.  
1119 The plan shall also establish deadlines by which remedial or proactive actions to ensure language  
1120 access will be taken, identify personnel responsible for implementation of the plan and establish  
1121 priorities relative to the implementation of these plans.

1122 "Language access services" means oral language services and written translation  
1123 services, including auxiliary aids and services.

1124 "Limited English proficient" or "LEP" are persons whose primary language is not  
1125 English or who have a limited ability to speak, read, write or understand English.

1126 "Machine translation" is when computer software is utilized for the automated translation  
1127 of a text from one language to another and vice versa without human intervention.

1128 "Oral interpretation" means the act of listening, understanding and analyzing a spoken  
1129 message in one language and re-expressing that message faithfully, accurately and objectively in

1130 another language and vice versa, enabling communication between two or more persons who do  
1131 not speak one another's languages.

1132 "Oral language services" means the various methods of providing verbal information and  
1133 interpretation through staff interpreters, bilingual or multilingual staff, telephone interpreter  
1134 services, or private interpreter services.

1135 "Outside service providers" include, but are not limited to, organizations or other persons  
1136 that formally or informally, through direct or in-kind compensation, contracts, provides, or  
1137 administers services which the relevant public-facing state agency is required to provide or  
1138 requires, recommends or refers its clients to utilize.

1139 "Primary language" means the language in which an LEP person can most effectively  
1140 and comfortably communicate.

1141 "Public contact position" means a position determined by the public-facing state agency  
1142 to be one that includes meeting, contacting and dealing with the public in the performance of the  
1143 agency's functions.

1144 "Public-facing state agency" means a Massachusetts executive office, department, or  
1145 division thereof that provides assistance, services or information to the public. Any state agency  
1146 included in the implementation schedule of sections 43 to 45 inclusive shall be identified as a  
1147 "public-facing state agency" or when deemed as such under Section 9(a)(6) of sections 43 to 45  
1148 inclusive.

1149       “Qualified bilingual employee” means a staff person who is proficient in both the English  
1150       language and a non-English language. Qualified bilingual employees may be categorized as  
1151       “Tier 1 Bilingual Employees” or “Tier 2 Bilingual Employees”.

1152       “Qualified interpreter” is a person who is fluent in both the English language and a non-  
1153       English language and who, by certification, training or experience, is able to (1) perform  
1154       consecutive interpretation; (2) maintain the tone, style, and complex meaning of speech from one  
1155       language to another and vice versa; (3) convey cultural nuances; and (4) remain impartial in all  
1156       interpreted interactions.

1157       “Qualified multilingual employee” means a staff person who is proficient in the English  
1158       language and more than one non-English language. Qualified multilingual employees may be  
1159       categorized as “Tier 1 Multilingual Employees” or “Tier 2 Multilingual Employees”.

1160       “Qualified translator” means a person who is fluent in writing, reading and proofreading  
1161       in both the English language and a non-English language and who, by certification, training or  
1162       experience is able to (1) render a text from one language into another language and vice versa;  
1163       (2) maintain the tone, style and complex meaning of the original text from one language to  
1164       another and vice versa; (3) convey cultural nuances; and (4) remain impartial in the translation  
1165       process.

1166       “Vital document” means a document or communication, in print or digital form,  
1167       containing information that, if not provided accurately or in a timely manner, affects a person’s  
1168       rights or access to, retention in, denial or termination of services, benefits or programs,  
1169       including, but not limited to, applications, consent forms; complaint forms; intake forms;  
1170       informational material on eligibility for benefits; notices; requests for documentation or

1171 information; documents that must be provided by law; and notices regarding the availability of  
1172 free language assistance services for LEP persons.

1173 “Written translation” means the rendering of a written text from one language to an  
1174 equivalent written text of another language.

1175 Section 2. Communications with the public.

1176 (a) A public-facing state agency shall provide equal access to services, programs, and  
1177 activities serving limited English proficient and deaf or hard of hearing persons by the provision  
1178 of the following services:

1179 (1) Oral interpretation and auxiliary aids and services

1180 (i) A public-facing state agency shall provide timely, culturally competent oral language  
1181 services to all LEP persons or auxiliary aids and services to deaf or hard of hearing persons who  
1182 seek to access state services, programs, or activities or those of outside service providers.

1183 (ii) A public-facing state agency shall notify every person of their right to timely oral  
1184 interpretation in their primary language or auxiliary aids and services, regardless of their status  
1185 as an inquirer into, applicant for, recipient or beneficiary of a state service, program, or  
1186 information.

1187 (iii) A public-facing state agency shall utilize qualified interpreters or Tier 1 bilingual or  
1188 multilingual employees to provide oral language services or auxiliary aids and services.

1189 (iv) A public-facing state agency may contract with telephone-based interpretation  
1190 services or community-based organizations to provide interpretation to LEP and deaf or hard of  
1191 hearing persons or utilize Tier 1 bilingual or multilingual employees.

1192 (v) A public-facing state agency that contracts or utilizes an outside service provider to  
1193 fulfill the agency's responsibilities to the public shall ensure that the outside service provider  
1194 implements the requirements of Section 2(a)(1) of sections 43 to 45 inclusive.

1195 (2) Written translation

1196 (i) A public-facing state agency shall issue vital documents in the following languages:  
1197 Arabic, Cape Verdean Creole, Chinese (Simplified and Traditional), French, Haitian Creole,  
1198 Khmer, Korean, Portuguese, Russian, Spanish, Vietnamese and any other languages deemed  
1199 necessary by the agency's assessments required under Section 4 of sections 43 to 45 inclusive.

1200 (ii) A public-facing state agency shall translate all notices and materials that explain its  
1201 services in the languages stated in Section 2(a)(2)(i) of sections 43 to 45 inclusive.

1202 (iii) A LEP person whose primary language is not required to be translated into writing  
1203 under Section 2(a)(2)(i) of sections 43 to 45 inclusive is entitled to the oral interpretation of vital  
1204 documents, notices and materials into their primary language.

1205 (iv) A public-facing state agency shall utilize qualified translators or Tier 1 bilingual or  
1206 multilingual employees, to translate vital documents.

1207 A) State agencies shall not solely rely on machine translation to translate vital documents.  
1208 B) State agencies shall have qualified translators or Tier 1 bilingual or multilingual  
1209 employees verify all translations of vital documents generated through machine translation  
1210 before such documents are published, conveyed, sent, or posted.

1211 (v) A public-facing state agency that contracts or utilizes an outside service provider to  
1212 fulfill the agency's responsibilities to the public shall ensure that the outside service provider  
1213 implements the requirements of Section (2)(a)(2) of sections 43 to 45 inclusive.

1214 (3) Websites

1215 (i) If a public-facing state agency maintains one or more websites for use by the public,  
1216 the agency shall provide the website in the following languages: Arabic, Cape Verdean Creole,  
1217 Chinese (Simplified and Traditional), French, Haitian Creole, Khmer, Korean, Portuguese,  
1218 Russian, Spanish, Vietnamese and any other languages deemed necessary by the agency's  
1219 assessments required under Section 4 of sections 43 to 45 inclusive.

1220 A) The state agency shall ensure that its websites and online application materials are  
1221 mobile compatible and that they satisfy or exceed the official Federal Plain Language  
1222 Guidelines, March 2011, Rev. 1, May 2011 for the Plain Writing Act of 2010.

1223 (ii) Agencies shall not solely rely on machine translation to translate its websites.

1224 A) A public-facing state agency shall utilize qualified translators or Tier 1 bilingual or  
1225 multilingual employees to verify the translation of its websites for accuracy.

1226 (iii) A public-facing state agency that maintains one or more websites for use by the  
1227 public shall (1) provide forms and instructions for submitting complaints of alleged violations of  
1228 sections 43 to 45 inclusive; (2) link such and instructions on the homepage of the state agency's  
1229 website; and (3) translate all such forms and instructions into the languages listed in Section  
1230 2(a)(3)(i) of sections 43 to 45 inclusive.

1231 Section 3. Language access plan.

1232 (a) A public-facing state agency shall develop a language access plan every 2 years based  
1233 on community and agency assessments required by Section 4 of sections 43 to 45 inclusive, to  
1234 guide the provision of language access services to LEP and deaf or hard of hearing persons.

1235 When drafting the language access plan, a public-facing state agency shall ensure that:

1236 (1) a summary of the rights of LEP and deaf or hard of hearing persons to oral  
1237 interpretation or auxiliary aids and services, respectively, and the public-facing state agency's  
1238 obligations to protect these rights are detailed at the outset of the language access plan;

1239 (2) the mandated translated languages are listed, as required by Section 2(a)(2)(i) and  
1240 Section 2(a)(3)(i);

1241 (3) a plan of action is instituted for the implementation of all provisions of Sections 2, 4,  
1242 5 and 7 of sections 43 to 45 inclusive;

1243 (4) the plan is made publicly available in the translated languages required by Section  
1244 2(a)(2) on the main page of the public-facing state agency's website and in its central and local  
1245 offices; and

1246 (5) a complaint process is developed with complaint forms that are publicly accessible on  
1247 the main page of the public-facing state agency's website and in its central and local offices.

1248 Section 4. Assessments.

1249 (a) Community needs assessment.

1250 (1) A public-facing state agency shall conduct a community needs assessment every 2  
1251 years that compiles data on the language composition of the agency's eligible populations,  
1252 including American Sign Language. The community needs assessment shall also collect data on

1253 the engagement and interaction of eligible populations with the public-facing state agency. The  
1254 agency shall determine:

1255 (i) the percentage of the eligible service population who are LEP or deaf or hard of  
1256 hearing;

1257 (ii) the primary languages used by LEP or deaf or hard of hearing persons in all  
1258 geographic areas the agency serves its eligible populations ;

1259 (iii) the frequency with which the agency provides services to LEP or deaf or hard of  
1260 hearing persons;

1261 (iv) all points of contact whereby the eligible populations can engage with the public-  
1262 facing state agency; and

1263 (v) all potential language or language-related barriers that may arise in the engagement of  
1264 eligible populations with the public-facing state agency.

1265 (b) Internal state agency assessments.

1266 (1) A public-facing state agency shall conduct a language services inventory every 2  
1267 years to identify available language services and staff to serve LEP persons and deaf or hard of  
1268 hearing persons. A public-facing state agency shall:

1269 (i) determine the number of qualified bilingual or multilingual employees in public  
1270 contact positions in each central and local office, who can provide linguistically, culturally and  
1271 technically proficient language access services. This data shall be disaggregated by language and  
1272 by the Tier 1 and Tier 2 classification required by Section 5(b)(3) of sections 43 to 45 inclusive.

(ii) detail the language access services, including technology and equipment, available

1274 within the state's resources or under state contracts, including in-person interpretation, telephone

1275 interpretation, video interpretation, translation and auxiliary aids and services.

1276 (2) A public-facing state agency shall generate a language access status report every 2

1277 years of each of its statewide and local offices evaluating the agency's capacities in serving LEP

1278 and deaf or hard of hearing persons. This status report shall include the following:

1279 (i) a calculation of the percentage of LEP and deaf or hard of hearing persons presently

1280 served by the public-facing state agency's central and local offices, categorized by primary

1281 language;

1282 (ii) a determination of whether the current oral language and written translation services

1283 are effectively meeting the language needs of LEP persons served by the public-facing state

1284 agency;

1285 (iii) a determination of whether the current auxiliary aids and services are effectively

1286 meeting the language needs of deaf or hard of hearing persons served by the public-facing state

1287 agency;

1288 (iv) a description of the agency's procedures for identifying vital documents for

1289 translation;

1290 (v) an evaluation of whether contracted interpreter services are effectively meeting the

1291 language needs of LEP and deaf or hard of hearing persons;

1292 (vi) an evaluation of operational protocols for staff to effectively access language access

1293 services as outlined in Section 5(c) of sections 43 to 45 inclusive;

1294 (vii) an evaluation of staff proficiency to effectively and appropriately utilize language

1295 access services as outlined in Section 5(c) of sections 43 to 45 inclusive;

1296 (viii) a description of any language access training the public-facing state agency

1297 provides to its staff to ensure the agency is effectively serving provision of services to LEP and

1298 deaf or hard of hearing persons individuals, including the frequency of training, and date of most

1299 recent training;

1300 (ix) a determination of whether the allocation and assignment of qualified bilingual and

1301 multilingual employees to central and local offices is effectively meeting the identified language

1302 needs in those offices;

1303 (x) an evaluation of agency procedures for recruiting and retaining qualified bilingual or

1304 multilingual employees in central and local offices; and

1305 (xi) a description of the public-facing state agency's procedures for receiving and

1306 resolving complaints regarding language access as well as the number of complaints received.

1307 (c) The assessments in this Section shall be completed prior to the drafting of the

1308 language access plan as required by Section 3 of sections 43 to 45 inclusive. The results of these

1309 assessments shall inform all content, policies, recommendations and guidance in the language

1310 access plan.

1311 Section 5. Personnel.

1312 (a) Language access coordinator.

1313 (1) A public-facing state agency shall designate a language access coordinator whose sole

1314 responsibility on a full-time basis shall be to address language access needs and the public-facing

1315 state agency's compliance with sections 43 to 45 inclusive, in consultation with the language  
1316 access advisory board established in Section 6 of sections 43 to 45 inclusive.

1317 (2) Language access coordinators shall maintain a centralized, electronic, searchable  
1318 language access database of the following:

1319 (i) all formal and informal requests for language access services and the status of those  
1320 requests;

1321 (ii) all language access-related complaints, including complaints of language  
1322 discrimination and/or disability discrimination in cases of the deaf or hard of hearing;  
1323 (iii) the status and progress of all such requests and complaints;  
1324 (iv) the resolution of all such requests and complaints, including decisions by the regional  
1325 and central offices;

1326 (v) the reasons for full and partial denials of requests for language services; and  
1327 (vi) the office(s) handling the relevant case or request for service.

1328 (3) A public-facing state agency may also designate regional language access  
1329 coordinators to address the language access needs of relevant regions and train the regions' staff  
1330 on compliance with sections 43 to 45 inclusive.

1331 (i) Regional language access coordinators shall report to the language access coordinator  
1332 of their respective public-facing state agency's central office.

1333 (b) Staffing.

1334 (1) A public-facing state agency shall employ a sufficient number of qualified bilingual  
1335 or multilingual employees in public contact positions or as interpreters to assist employees in  
1336 public contact positions, to ensure the provision of information and services in a person's  
1337 primary language.

1338 (2) A bilingual or multilingual staff member shall not provide interpretation in adversarial  
1339 proceedings when the public-facing state agency that employs the bilingual or multilingual staff  
1340 member is a party to the proceedings.

1341 (3) A bilingual or multilingual staff member may provide language services to LEP and  
1342 deaf or hard of hearing persons, in accordance with their skill level as determined by the  
1343 language access coordinator. A state agency shall classify bilingual or multilingual employees  
1344 into one of two tiers, and shall only provide interpretation services in accordance with that tier as  
1345 follows:

1346 (i) Tier 1 bilingual or multilingual employee: Tier 1 employees must have formal  
1347 certification, training, or sufficient experience in interpretation in the specific subject matter. If  
1348 the employer does not regularly employ a person that may be classified as a Tier 1 employee, the  
1349 employer must hire a third-party contractor to fulfill the need for interpretation services Tier 1  
1350 employees shall agree to abide by the ethical and confidentiality requirements for interpreters  
1351 and translators in accordance with the American Translators Association Code of Ethics and  
1352 Professional Practice.

1353 (ii) Tier 2 bilingual or multilingual employee: Tier 2 employees have the language  
1354 proficiency to communicate directly with LEP or deaf or hard of hearing persons regarding

1355 routine or common business matters. Tier 2 employees shall not serve as interpreters or  
1356 translators.

1357 (4) An employee of a public-facing state agency who regularly acts as an interpreter or  
1358 translator shall be reasonably compensated for that additional work.

1359 (5) A public-facing state agency shall ensure that all processes and procedures for staff to  
1360 request language access services require minimal approval or documentation and are not overly  
1361 burdensome.

1362 (c) Training.

1363 (1) Language access coordinators shall train employees about all processes and  
1364 procedures needed to effectively obtain and utilize all language access services mandated by  
1365 Section 2 of sections 43 to 45 inclusive as part of an employee's onboarding process and on an  
1366 annual basis thereafter.

1367 (i) Training shall include (1) instruction on process and procedures for requesting  
1368 language access service, (2) guidance on how to effectively work with interpreters or translators  
1369 and (3) explanation of procedures for reporting deficiencies to language access services.

1370 (2) A public-facing state agency shall ensure the provision of language access training for  
1371 an outside service provider.

1372 Section 6. Language access advisory board.

1373 (a) Mission, organization and institution.

1374 (1) There shall be a language access advisory board to provide guidance and technical  
1375 assistance to public-facing state agencies in order to ensure equal access for LEP and deaf or  
1376 hard of hearing persons to services, programs, and activities offered by a public-facing state  
1377 agency.

1378 (2) The board shall be co-chaired by a staff member from the office of access and  
1379 opportunity, and one other member of the advisory board elected by the board.

1380 (3) The members of the advisory board shall be appointed within 6 months of the  
1381 effective date of sections 43 to 45 inclusive, and shall serve 4-year terms. Members whose terms  
1382 have expired may serve until a successor is appointed.

1383 (4) The board shall meet no less than 4 times annually.

### 1384 (b) Composition.

1385 (1) The language access advisory board shall include: 3 members appointed by the  
1386 Massachusetts Immigrant and Refugee Advocacy Coalition from prevalent LEP populations  
1387 within Massachusetts, as determined by the most recent United States Census data; 1 member  
1388 appointed by the Disability Law Center from the deaf or hard of hearing community; 1 member  
1389 appointed by the Massachusetts Law Reform Institute; 1 member appointed by the  
1390 Massachusetts Appleseed Center for Law & Justice; 1 member appointed by the Massachusetts  
1391 Language Access Coalition; 1 member appointed by Greater Boston Legal Services; 1 member  
1392 appointed by the Justice Center of Southeast Massachusetts; 1 member appointed by MetroWest  
1393 Legal Services; 1 member appointed by the Central West Justice Center; and 1 member  
1394 appointed by the Northeast Justice Center.

1395 (c) Advisory board responsibilities.

1396 (1) The advisory board shall support public-facing state agencies to achieve compliance

1397 with sections 43 to 45 inclusive by:

1398 (i) providing guidance and technical assistance to the state agencies;

1399 (ii) advising language access coordinators of public-facing state agencies in the

1400 development and review of language access plans;

1401 (iii) reviewing all assessments and surveys from state agencies as required by Section 4

1402 of sections 43 to 45 inclusive; and

1403 (iv) providing recommendations to state agencies to reduce identified barriers for the LEP

1404 and deaf or hard of hearing persons.

1405 (2) The language access advisory board, in formulating its recommendations, shall take

1406 into account the best practices and policies in other states and jurisdictions, and may undertake

1407 further steps to help state agencies achieve compliance with sections 43 to 45 inclusive.

1408 Section 7. Reporting requirements.

1409 (a) Upon a public-facing state agency's full implementation of sections 43 to 45 inclusive

1410 as required by Section 11 and every 2 years thereafter, the agency shall submit to the office of

1411 access and opportunity and the language access advisory board the following:

1412 (1) the community needs assessment as stated in Section 4(a)(1);

1413 (2) the language services inventory as stated in Section 4(b)(1); and

1414 (3) the language access plan as stated in Section 3.

1415 (b) Upon a public-facing state agency's full implementation of sections 43 to 45 inclusive  
1416 as required by Section 11 and every 2 years thereafter, the agency shall submit the language  
1417 access status report required by Section 4(b)(2) of sections 43 to 45 inclusive to the joint  
1418 committee on ways and means, the joint committee on state administration and regulatory  
1419 oversight, the office of access and opportunity and the language access advisory board.

1420 (c) Upon a public-facing state agency's full implementation of sections 43 to 45 inclusive  
1421 as required by Section 11 and every year thereafter, the agency shall submit the language access  
1422 database as outlined in Section 5(a)(2) to the office of access and opportunity and the language  
1423 access advisory board.

1424 (d) A public-facing state agency shall ensure, in reporting of all materials outlined in this  
1425 Section, that the following standards are maintained:

1426 (1) all data is disaggregated and cross-tabulated by primary language, disability status,  
1427 race, ethnicity, age, gender and low-income status;

1428 (2) all materials are made publicly available in the list of translated languages required by  
1429 Section 2(a)(2);

1430 (3) all materials are presented in plain language; and

1431 (4) all data is presented in a manner that protects the privacy of all surveyed persons.

1432 Section 8. Relief.

1433 (a) Any person claiming to be aggrieved by a public-facing state agency for failure in the  
1434 provision of language access services in order to provide equal access to services, programs, and  
1435 activities of a public-facing state agency according to the provisions of sections 43 to 45  
1436 inclusive shall have the right to initiate and prosecute a civil action in the district, superior,  
1437 housing, probate and family, Boston municipal or land court department for injunctive and other  
1438 appropriate equitable relief or an award of actual and consequential damages.

1439 (1) Should the person or persons prevail, they shall be entitled to an award of actual and  
1440 consequential damages, that is the costs of the litigation including expert witness fees, reasonable  
1441 attorneys' fees in an amount to be fixed by the court, and prejudgment and post judgment  
1442 interest.

1443 (b) The Massachusetts commission against discrimination may commence a civil action  
1444 to seek relief for a violation of sections 43 to 45 inclusive.

1445 (c) The attorney general may also commence a civil action to seek relief for a violation of  
1446 sections 43 to 45 inclusive.

1447 Section 9. Office of access and opportunity.

1448 (a) The office of access and opportunity within the governor's office shall have the  
1449 following responsibilities:

1450 (1) accept and investigate complaints submitted to the office of access and opportunity by  
1451 persons who have been unable to obtain timely language access services in any public-facing  
1452 state agency;

1453 (2) provide copies of all complaints annually as required by Section 5(a)(2) of sections 43  
1454 to 45 inclusive to the language access advisory board;

1455 (3) eliminate the language access barrier when an agency does not provide equal access  
1456 using informal methods, including conference, conciliation, mediation, or persuasion. Where the  
1457 language access barrier cannot be eliminated by informal methods, the office of access and  
1458 opportunity shall submit written compliance requirements to the public-facing state agency. The  
1459 office of access and opportunity may request the public-facing state agency to notify it within a  
1460 specified time of any action taken on its requirements, and may require a public-facing state  
1461 agency to increase the frequency of reporting required by Section 9(a)(2) of sections 43 to 45  
1462 inclusive every six months, as needed, or as requested by the language access advisory board;

1463 (4) create, in consultation with the language access advisory board, multilingual signage  
1464 informing LEP and deaf or hard of hearing persons of their right to free oral language services or  
1465 auxiliary aids and services, for dissemination to state agencies

1466 (5) shall promulgate regulations no later than 1 year after the effective date of sections 43  
1467 to 45 inclusive after receiving input from stakeholders and the language access advisory board;  
1468 and

1469 (6) identify additional state agencies that shall be subject to sections 43 to 45 inclusive  
1470 upon its determination in consultation with the language access advisory board.

1471 (i) This determination shall be made:

1472           A) in the 5th year following the enactment of sections 43 to 45 inclusive and every 5  
1473           years thereafter or at the discretion of the office of access and opportunity in consultation with  
1474           the language access advisory board; and,

1475           B) by conducting an inventory and evaluation of newly formed and existing state  
1476           agencies' engagement with the public.

1477           Section 10. Conflicting law.

1478           (a) In the event any law of the Commonwealth prescribes stronger protections, the  
1479           services, programs and activities of public-facing state agencies required by sections 43 to 45  
1480           inclusive shall be subject to the stronger protections.

1481           SECTION 45. Public-facing state agencies shall comply with the requirements set forth  
1482           in Sections 2, 3, 4, 5 and 7 of SECTION 44 of this Act in the manner established by the  
1483           following implementation schedule:

1484           (a) On or before the second year after enactment, there shall be implementation by each  
1485           of the following public-facing state agencies and their divisions thereof:

1486           (1) MassHealth;

1487           (2) the department of children and families;

1488           (3) the department of transitional assistance;

1489           (4) the department of unemployment assistance; and

1490 (5) all departments, divisions and offices within the executive office of housing and  
1491 livable communities that administer emergency shelter assistance, rental assistance, housing  
1492 subsidies or other housing benefits to state residents.

1493 (b) On or before the third year after enactment, there shall be implementation by each of  
1494 the following public-facing state agencies and their divisions thereof:

1495 (1) the department of early education and care

1496 (2) the registry of motor vehicles;

1497 (3) the department of public health; and

1498 (4) the department of mental health.

1499 (c) On or before the fourth year after enactment, there shall be implementation by each of  
1500 the following public-facing state agencies and their divisions thereof:

1501 (1) the child support enforcement division of the department of revenue;

1502 (2) the department of elementary and secondary education;

1503 (3) the Massachusetts office on disability;

1504 (4) the department of public utilities; and

1505 (5) MassDigital.

1506 (d) On or before the fifth year after enactment, there shall be implementation by each of  
1507 the following public-facing state agencies and their divisions thereof:

1508 (1) the department of revenue;

1509 (2) the executive office of health and human services, specifically,

1510 (i) the department of youth services,

1511 (ii) the department of developmental services,

1512 (iii) the executive office of elder affairs,

1513 (iv) MassAbility,

1514 (v) the office for refugees and immigrants;

1515 (3) the executive office of labor and workforce development, specifically,

1516 (i) the department of family and medical leave,

1517 (ii) the department of industrial accidents; and

1518 (4) the executive office of public safety and security, specifically,

1519 (i) the Massachusetts department of correction,

1520 (ii) the department of fire services,

1521 (iii) the Massachusetts state police,

1522 (iv) the Massachusetts emergency management agency,

1523 (v) the state 911 department.

1524 SECTION 46. Section 2 of chapter 18 of the General Laws is hereby amended by

1525 inserting after subsection (B)(s), the following new subsection:-

1526 Subsection (t). promptly replace the full amount of financial assistance or nutrition  
1527 benefits stolen through electronic benefit transfer card skimming, card cloning or other  
1528 fraudulent methods, including organized identity theft schemes, to the extent the federal  
1529 government fails to provide federal funds to replace stolen benefits, provided that the thefts have  
1530 been reported to or identified by the Department in accordance with procedures for making and  
1531 verifying replacement claims established by the department.

1532 SECTION 47. Chapter 6A of the General Laws, as appearing in the 2024 Official  
1533 Edition, is hereby amended by inserting after section 16 the following section:-

1534       Section 16.5. (a) There is hereby established and set up on the books of the  
1535       commonwealth a separate fund, to be administered by the executive office of health and human  
1536       services (EOHHS), which shall be known as the Engaging Neighborhoods, Organizations,  
1537       Unions, Governments and Households (ENOUGH) Grant Fund. The fund shall be credited with:  
1538       (i) appropriations, bond proceeds or other money authorized or transferred by the general court  
1539       and specifically designated to be credited to the fund; (ii) funds from public and private sources,  
1540       including, but not limited to gifts, grants and donations; and (iii) any interest earned on such  
1541       money. Amounts credited to the fund shall not be subject to further appropriation and any money  
1542       remaining in the fund at the end of a fiscal year shall not revert to the General Fund and shall  
1543       remain available for purposes pursuant to paragraph (b) of this section.

1544 (b) Amounts credited to the fund shall be used to administer and fund the ENOUGH  
1545 Grant Fund (the fund). If the funds in this account are insufficient to fully fund the grant,  
1546 EOHHS shall submit to the house and senate committees on ways and means a request for an  
1547 additional appropriation to fully fund the grant.

1548 (c) EOHHS shall develop and administer the fund to support community-driven, place-  
1549 based strategies aimed at reducing poverty. The purpose of the fund is to (i) reduce poverty and  
1550 expand opportunity for people with low incomes, (ii) increase community health, well-being and  
1551 safety, (iii) provide “cradle to career” access to high-quality education, training and care, (iv)  
1552 connect residents to quality jobs and in-demand occupations, (v) enable family-sustaining  
1553 income and access to quality early education and care, affordable housing, and health care,  
1554 including reproductive, maternal, behavioral, and mental health care, (vi) provide high-quality  
1555 support for people with disabilities, families involved with the child welfare system, and justice-  
1556 involved youth and adults, (vii) connect individuals and families to appropriate benefits  
1557 programs; and (viii) leverage federal, local and private funding for communities. The fund shall  
1558 ensure that a comprehensive approach to reducing poverty, including childhood and  
1559 intergenerational poverty, is applied across multiple sectors and systems, and is informed by  
1560 data, evidence, research and best practices.

1561 (d) Grantees must be located in eligible communities, which are municipalities, or  
1562 geographic regions that have a significant level of residents living in poverty, as determined by  
1563 the executive office of health and human services. Eligible grantees shall include community-  
1564 based nonprofit organizations, municipalities, or school districts, and proposals must include  
1565 partnerships between at least these three entities.

1566 (e) Grants shall be provided in three tracks: (i) partnership development grants, which  
1567 shall establish the foundation for proposed place-based strategy through activities that include  
1568 convening partners, activating and engaging community leaders, and developing a formal  
1569 partnership structure to conduct a shared vision for their community’s success; (ii) plan  
1570 development grants, which will use the formal partnership structure to conduct community asset

1571 mapping and needs assessment, and engage in participatory planning processes with community  
1572 residents to develop comprehensive action plans to increase economic mobility and significantly  
1573 reduce poverty; and (iii) implementation grants, which will launch approved action plans,  
1574 leverage additional funding streams, conduct progress monitoring and continuous quality  
1575 improvement, and adopt norms and structures for ongoing community leadership and  
1576 implementation of the action plan.

1577 (f) EOHHS shall develop a transparent and competitive process for the award of the fund.  
1578 The process shall include an annual request for applications, widely disseminated through  
1579 appropriate channels in at least the top five spoken languages in the commonwealth, and EOHHS  
1580 shall provide technical assistance and guidance for prospective applicants to ensure equitable  
1581 access to funding opportunities. EOHHS shall develop a transparent and accountable process for  
1582 reviewing applications that must include an interdisciplinary panel of reviewers, including  
1583 subject matter experts and representatives from organizations that serve people in poverty.  
1584 Expertise must cover a wide array of areas and issues that affect people in poverty, including but  
1585 not limited to cash benefits and other income supports, tax credits and tax assistance, asset  
1586 development and wealth building, early education and care and out-of-school time, K-12  
1587 education including vocational education, higher education, workforce development and skills  
1588 training, labor unions and apprenticeships, immigration and refugee settlement, housing and  
1589 homelessness, nutrition and food security, public health, maternal health and infant support, early  
1590 intervention, transportation, environmental justice, health care, behavioral and mental health  
1591 care, trauma-sensitive intervention and violence prevention, social services, child welfare,  
1592 broadband, justice-involved and re-entry services for youth and adults, legal services, and  
1593 services for special populations such as children and adults with disabilities, the LGBTQ+

1594 community, veterans, elders, and youth aging out of foster care. At least 25% of the panel shall  
1595 be composed of people with lived experience of poverty.

1596 Priority shall be given to eligible communities that have experienced long-term economic  
1597 distress, have demonstrated a commitment to cross-sector collaboration and partnerships, and  
1598 incorporate an equity lens as well as the engagement of people with lived experience in their  
1599 proposal.

1600 Finalist applicants may be subject to site visits or interviews to assess readiness and  
1601 community involvement.

1602 (g) Grantees shall be required to identify baseline and performance targets aligned with  
1603 metrics determined by EOHHS. Performance targets must be aligned with at least the following  
1604 general indicators of community well-being: poverty reduction, economic security, improved  
1605 education outcomes, increased health outcomes, and safe and thriving communities.

1606 (h) EOHHS shall commission a third-party evaluator to conduct biennial assessments of  
1607 the fund's effectiveness and use the findings to inform future funding allocations and policy  
1608 improvements.

1609 (g) The General Court shall appropriate \$20 million annually to the fund. EOHHS may  
1610 accept and expend federal, state and private funds to supplement the annual appropriation. Funds  
1611 from this item may be used to provide administrative support to grantees, including technical  
1612 assistance, capacity building, and program evaluation. Grantees shall receive support including  
1613 but not limited to training from experts on best practices in identifying inequities, prioritizing  
1614 local needs, and making data-driven decisions.

1615 (h) Annually, not later than October 1, EOHHS shall report to the governor, the clerks of  
1616 the house of representatives and the senate, and the house and senate committees on ways and  
1617 means on the fund's activities. The report shall include the source and amount of funds received,  
1618 the expenditures made from the fund, the anticipated funding obligation for the next fiscal year,  
1619 recipients of grant funding, size of awarded grants by recipient, summaries of funded projects,  
1620 performance data, challenges, and best practices. The report shall be publicly available online.

1621 SECTION 48. Sections 9 to 14 inclusive shall apply to tax years beginning on or after  
1622 January 1, 2025.

1623 SECTION 49. Sections 30 to 38 inclusive shall take effect 18 months following passage  
1624 of this act. The commissioner of probation shall commence the process of sealing records  
1625 through the automated record sealing process on or before the effective date of this act.

1626 SECTION 50. Sections 41 to 43 inclusive shall take effect upon passage of this act.