

SENATE No. 01838

The Commonwealth of Massachusetts

PRESENTED BY:

Steven A. Baddour

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 passage of the accompanying bill:

An Act relative to welfare reform.

PETITION OF:

NAME:

Steven A. Baddour

DISTRICT/ADDRESS:

First Essex

SENATE No. 01838

By Mr. Baddour, petition (accompanied by bill, Senate, No. 1838) of Baddour for legislation relative to welfare reform [Joint Committee on Children, Families and Persons with Disabilities].

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to welfare reform.

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 18 of the General Laws, as appearing in the 2008 official edition, is
2 hereby amended by inserting after section 29 the following sections:-

3 Section 29A. The Department of State Police or a city or town police department shall
4 conduct an investigation relative to an allegation of fraudulent or wrongful payment or service
5 received from the Department of Transitional Assistance, whoever violates this chapter shall be
6 punished by imprisonment in a house of correction for not more than 2 years.

7 Section 29B. For the purposes of this section, "health care provider" shall mean a registered
8 nurse, licensed practical nurse, physician or physical assistant who is a licensed health care
9 provider under chapter 112.

10 A health care provider who, in his professional capacity shall have reasonable cause to
11 believe that a welfare recipient as described in Chapter 18 is fraudulently or wrongfully

12 accepting payment or service from the Department of Transitional Assistance, shall immediately
13 report such act to the bureau of special investigations and local and or state police department by
14 oral communication and by making a written report within seventy-two hours after such oral
15 communication.

16 Section 29C. (a) Any person receiving assistance as outlined in Chapter 18 that is found
17 in violation or contempt of an order, judgment, hearing decision or agreement as outlined in
18 Chapter 276 shall immediately have their benefits suspended until said person appears in the
19 court of justice.

20 (b) The office of probation or the clerk of courts in said jurisdiction shall be required to
21 report these violations to the department of transitional assistance within 30 days.

22 SECTION 2. Notwithstanding any general or special law to the contrary, eligible
23 recipients of direct cash assistance shall be prohibited from the use of direct cash assistance
24 funds held on electronic benefit transfer cards for the purchase of alcoholic beverages or tobacco
25 products. An individual or store owner who knowingly accepts electronic benefit transfer cards
26 in violation of this section shall be punished by imprisonment in a house of correction for not
27 more than 2 ? years or a fine of \$1000 or both such fine and imprisonment.

28 SECTION 3. Notwithstanding any general or special law to the contrary, whoever
29 embezzles, willfully misapplies, steals or obtains by fraud any funds, assets or property provided
30 by the Department of Transitional Assistance, or whoever receives, conceals or retains such
31 funds, assets or property for his or her own interest, knowing such funds, assets or property have
32 been embezzled, willfully misapplied, stolen, or obtained by fraud shall, if such funds, assets or
33 property are of the value of \$100 or more, be fined not more than \$25,000 or imprisoned not

34 more than five years, or both, or if such funds, assets or property are of a value of less than \$100,
35 shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

36 SECTION 4. Notwithstanding any general or special law to the contrary, recipients of
37 transitional aid to families with dependent children shall not be considered in compliance with
38 the work requirement established under chapter 5 of the acts of 1995 by participating in unpaid
39 internships, unpaid home-schooling of a child, or participating in vocational rehabilitation
40 services. A pregnant woman shall be exempt from the work requirement for not more than the
41 last 10 days of pregnancy except in the instance of a documented medical reason for exemption
42 as determined by a licensed physician. An unemployed recipient of transitional aid to families
43 with dependent children without a documented medical necessity exemption, shall provide
44 documentary proof of a job search commencing within 90 days of after giving birth. No recipient
45 of transitional aid to families with dependent children shall be considered exempt from the work
46 requirement as a result of caring for a child not his or her own and for whom the recipient does
47 not receive benefits. A person over 18 years of age shall not be considered a dependent child for
48 the purposes of this program. A recipient shall be exempt from the work requirement for a period
49 not to exceed 90 days following the birth of a non-family cap exempt child or if the recipient
50 serves as the caretaker of a child excluded by the family cap A recipient shall not be considered
51 exempt from the work requirement due to age prior to reaching age 65. After qualifying for and
52 having received an initial benefits payment, a recipient shall be exempt from the work
53 requirement for not more than 30 days while looking for and starting a qualifying work program
54 activity. A recipient shall not be exempt from the work requirement for performing community
55 service unless the recipient produces documented evidence of the completion of the community
56 service to the department of transitional assistance.

57 SECTION 5. (a) Notwithstanding any general or special law to the contrary, the
58 undersecretary of the department of housing and community development shall make a report
59 detailing recommended regulations to end the practice of housing homeless residents in hotels or
60 motels throughout the commonwealth and the costs associated with said practice. The report
61 shall include, but not be limited to: the recommended guidelines for usage of temporary housing
62 alternatives which provide cost savings to the commonwealth; a timeline to eliminate the
63 practice of using hotels and motels within 1 year of this report, the cost of school transportation
64 from out-of-district emergency assistance placements; the cost of the usage of hotels and motels
65 versus the cost of using shelters; and the availability of unused shelter space not currently under
66 contract by the department. The report shall be submitted to the clerks of the senate and house of
67 representatives and to the chairs of the house and senate committees on ways and means not later
68 than 60 days after the effective date of this act.

69 (b) Recipients of shelter benefits provided through the program of emergency assistance
70 pursuant to section 30 of chapter 23B of the general laws, shall be placed in hotels and motels
71 only when other shelter units available to the department are not adequate to meet the needs of a
72 recipient of benefits; provided, that a recipient of shelter benefits may be placed in a hotel or
73 motel when the number of shelter units for which the department has contracted is insufficient to
74 meet demand or when such placements are to accommodate a disability, allow placement near a
75 home community or enable a child to continue attending school in such community, or otherwise
76 meet the needs of an eligible family that cannot be met through placement in contracted shelter
77 units.

78 (c) Any family placed in a hotel or motel shall receive assessment and housing search
79 services within 10 business days of placement and regularly thereafter. When the department

80 places any child under the age of 3 years in a hotel or motel, the department must notify the
81 department of children and families within 24 hours of any such hotel or motel placement;
82 provided further, that the department of housing and community development shall ensure that
83 any such family with a child under the age of 3 shall be provided with a crib for such child upon
84 placement at the hotel or motel; provided further, that the department of children and families
85 shall make an inspection of the room and crib provided to ensure the safety of the child; and
86 provided further, that if the hotel or motel in which any such child under the age of 3 years is
87 placed fails to provide such child with a safe and adequate crib, said hotel or motel may be
88 subject to a fine not to exceed \$10,000 per violation.

89 (d) Prior to contracting with a hotel or motel to provide rooms for families receiving
90 emergency assistance, the department shall notify the local department of health. Within 5
91 business days of placing a family with a school aged child in a motel, the department shall notify
92 the local school department.