

# SENATE . . . . . No. 2211

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## The Commonwealth of Massachusetts

—————  
In the Year Two Thousand Fourteen  
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SENATE, June 19, 2014

Report of the committee of conference on the disagreeing votes of the two branches, with reference to the House amendments to the Senate Bill to foster economic independence (Senate, No. 1806) (amended by the House by striking out all after the enacting clause and inserting in place thereof the text of House document numbered 3756),-- reports, in part, a “Bill to foster economic independence.” (Senate, No. 2211).

For the Committee:

Jennifer L. Flanagan

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# SENATE . . . . . No. 2111

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Fourteen  
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An Act to foster economic independence.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith for improvements to the department of transitional assistance in the commonwealth, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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. Section 16 of chapter 6A of the General Laws, as amended by section 1 of  
2 chapter 35 of the acts of 2013, is hereby further amended by adding the following paragraph:-

3           Notwithstanding any general or special law, subject to appropriation, the integrated  
4 eligibility system developed by the executive office of health and human services shall allow  
5 multiple state agencies and programs to access and share data by creating data hubs and  
6 streamlining information processes. Through the integrated eligibility system, the department of  
7 housing and community development, housing authorities and state health and human services  
8 agencies and programs, including, but not limited to, transitional aid to families with dependent  
9 children, temporary assistance for needy families and MassHealth shall share and have access to  
10 the data. Said departments and programs shall share information regarding cases of fraud  
11 committed by recipients.

12           SECTION 2. Section 2 of chapter 18 of the General Laws, as appearing in the 2012  
13 Official Edition, is hereby amended by inserting after the word “provision”, in line 3, the  
14 following words:- and administration of the supplemental nutrition assistance program, with

15 benefits designed for use by participants to purchase eligible foods, including seeds and plants,  
16 for home consumption and use; the provision.

17 SECTION 3. Paragraph (B) of said section 2 of said chapter 18, as amended by section 1  
18 of chapter 65 of the acts of 2013, is hereby further amended by adding the following 7 clauses:-

19 (m) provide notice to households and recipients of cash assistance benefits under  
20 emergency aid to the elderly, disabled and children and transitional aid to families with  
21 dependent children whose benefits have not been accessed for 270 days or more that they must  
22 contact the department or their benefits will be expunged. The department shall expunge and  
23 recoup the balance of cash assistance benefits under emergency aid to elders, disabled and  
24 children and transitional aid to families with dependent children if no response is received by the  
25 department within 30 days and shall notify the recipient when the funds are expunged;

26 (n) provide notice to all households and recipients of cash assistance benefits under  
27 emergency aid to the elderly, disabled and children and transitional aid to families with  
28 dependent children with balances higher than \$1,500 that they must contact the department for a  
29 case review within 30 days of receiving the notice in order to continue receiving benefits or their  
30 benefits shall be suspended. If the recipient has a balance in excess of \$2,500, and fails to  
31 complete the case review, the department shall expunge and recoup any amount in excess of  
32 \$2,500. The department shall provide notice to the recipient that the recipient's benefits have  
33 been suspended or expunged for failure to complete their case review;

34 (o) on a biannual basis, on or before January 1 and July 1, file a report detailing the  
35 following: (i) the number of households and recipients receiving cash assistance under  
36 transitional aid to families with dependent children who are non-exempt from the work  
37 requirement, as described in 106 CMR 203.400(A)(1)(a) to (c), inclusive; (ii) the number of  
38 households and recipients receiving cash assistance under transitional aid to families with  
39 dependent children who are exempt from the work requirement; (iii) the number of recipients  
40 who are required to meet the work requirement and are in need of additional education, training  
41 or other barrier-removal services; (iv) the number of exemptions and extensions granted to  
42 recipients of cash assistance under transitional aid to families with dependent children; (v) the  
43 reasons for granting any exemptions and extensions; (vi) the reasons why recipients are applying

44 for additional benefits beyond their initial 24 month period; provided, that this shall include, but  
45 not be limited to, an analysis of recipients' economic independence goals, as required by section  
46 15 of chapter 118; and (vii) information regarding caseloads, including how long recipients have  
47 been receiving cash assistance under transitional aid to families with dependent children and how  
48 much recipients have received. The report shall not contain a recipient's personal identifying  
49 information. The report shall be filed with the clerks of the house of representatives and the  
50 senate who shall forward the report to the house and senate chairs of the joint committee on  
51 children, families and persons with disabilities and the house and senate committees on ways and  
52 means;

53 (p) on an annual basis, file a report detailing the number of cases referred to the  
54 department's program integrity division and the results of each investigation. The reports shall be  
55 filed with the clerks of the house of representatives and the senate who shall forward the reports  
56 to the house and senate chairs of the joint committee on children, families and persons with  
57 disabilities and the house and senate committees on ways and means;

58 (q) annually, on or before December 1, file a report detailing the use of economic  
59 independence accounts, established pursuant to section 16 of chapter 118, that have been opened  
60 by recipients of cash assistance under transitional aid to families with dependent children;  
61 provided, that this shall include, but not be limited to, the number of accounts opened and the  
62 average balances in the accounts and a detailed list of reasons for expenditures from the  
63 accounts. The report shall be filed with the clerks of the house of representatives and the senate  
64 who shall forward the report to the house and senate chairs of the joint committee on children,  
65 families and persons with disabilities and the house and senate committees on ways and means;

66 (r) annually, on or before March 1, file a report detailing the number of recipients  
67 receiving cash assistance under transitional aid to families with dependent children who are  
68 present in the United States under 1 of the eligible noncitizen statuses as described in 106 CMR  
69 203.675 (A). The report shall be filed with the clerks of the house of representatives and the  
70 senate who shall forward the report to the house and senate chairs of the joint committee on  
71 children, families and persons with disabilities and the house and senate committees on ways and  
72 means;

73 (s) annually, on or before March 1, file a report detailing the number of recipients exempt  
74 from having a photo identification on their electronic benefit transfer card and the reasons for  
75 said exemptions.

76 SECTION 4. Paragraph (D) of said section 2 of said chapter 18, as appearing in the 2012  
77 Official Edition, is hereby amended by adding the following 2 clauses:-

78 (g) the recording and tracking of blank electronic benefit transfer cards to ensure the  
79 integrity of the cards and establish a clear chain of custody and best practices in the shipment and  
80 custody of those cards; and

81 (h) the suspension of benefits to any recipient who has failed to notify the department of a  
82 change of address and who the department has attempted to contact by certified mail, but whose  
83 mail communication has been returned to the department as undeliverable; provided, however,  
84 that the department, after receiving notice that the mail communication has been returned as  
85 undeliverable or returned with a Massachusetts forwarding address, shall use all reasonable  
86 means to determine the address of the recipient and, in the event that it cannot be determined,  
87 subject the recipient's case to further review as to continued eligibility.

88 SECTION 5. Said chapter 18 is hereby further amended by inserting after section 2A the  
89 following section:-

90 Section 2B. Subject to appropriation, the department of transitional assistance shall create  
91 an educational program to be implemented in each department of transitional assistance office.  
92 The educational program shall: (i) provide financial education information as described in this  
93 section and assist in the development of economic independence goals under section 15 of  
94 chapter 118; (ii) inform the recipient of available transportation options; (iii) identify available  
95 education and training resources available to the recipient; (iv) educate the recipient about proper  
96 card usage, card and PIN security and penalties for abuse or fraud associated with trafficking or  
97 fraudulent representation of need of transitional aid; (v) educate the recipient about the  
98 advantages of having a bank account and basic financial management; (vi) identify local job  
99 opportunities, where available; and (vii) educate the recipient about other topics that the  
100 department considers appropriate.

101 As part of the program, in consultation with the department of higher education, the  
102 community college system, the public university system, and the University of Massachusetts  
103 system, the department shall maintain in each local office an up-to-date list, which shall include:  
104 (a) a description of all educational certificate programs and higher education programs, which  
105 may be available to the recipient; (b) financial aid officials at public institutions of higher  
106 education; and (c) financial aid programs, including, but not limited to, scholarships, grants,  
107 loans and work study programs. The program shall also counsel children age 14 and older,  
108 whose parents receive transitional aid for families with dependent children, on how to access  
109 higher education without incurring debt.

110 As part of the program, the department shall provide recipients with a list of already  
111 existing free or low-cost financial education programs. In developing the list of financial  
112 education programs, the department shall collaborate with the office of the state treasurer, the  
113 Massachusetts Credit Union League, the Massachusetts Bankers Association, the Midas  
114 Collaborative, the Moving from Debt to Assets program and the Massachusetts Financial  
115 Education Collaborative. Any financial education program included on the recommended  
116 program list shall, at a minimum, provide guidance on: (1) tracking daily spending habits; (2)  
117 preparing a monthly budget; (3) identifying ways to decrease spending; (4) identifying ways to  
118 increase income; (5) listing and prioritizing financial goals; and (6) recognizing how to create a  
119 plan to achieve financial goals.

120 SECTION 6. Section 5 of said chapter 18, as appearing in the 2012 Official Edition, is  
121 hereby amended by adding the following paragraph:-

122 The commissioner shall establish specialist positions within the department. The  
123 specialists shall focus on providing targeted employment and training assistance to recipients that  
124 the department determines have a high risk of long term dependence on state benefits and require  
125 specialized assistance to achieve economic independence. These recipients shall include teen  
126 parents and may include other recipients defined by the department. Each office location shall  
127 have specialists. Specialists shall provide focused intervention and assistance to recipients and  
128 shall have a caseload of not more than 60 recipients. The commissioner shall: track the progress  
129 made by recipients who are receiving targeted assistance under this section in reaching economic  
130 independence and transitioning off transitional aid to families with dependent children; track

131 each specialist's success, as determined by the department, in assisting recipients; and annually  
132 report the results to the house and senate committees on ways and means and the house and  
133 senate chairs of the joint committee on children, families and persons with disabilities not later  
134 than December 31.

135 SECTION 7. Subsection (b) of section 5I of said chapter 18, as so appearing, is hereby  
136 amended by inserting after the word "jewelry" the following words:- ; televisions, stereos, video  
137 games or consoles at rent-to-own stores.

138 SECTION 8. Said chapter 18 is hereby further amended by striking out section 5J, as so  
139 appearing, and inserting in place thereof the following section:-

140 Section 5J. (a) The department shall maintain policies and practices as necessary to  
141 prevent cash assistance provided under this chapter from being used in electronic benefit transfer  
142 transactions at: liquor stores; casinos, gambling casinos or gaming establishments licensed under  
143 chapter 23K; retail establishments which provide adult-oriented entertainment in which  
144 performers disrobe or perform in an unclothed state for entertainment as defined in section  
145 408(a) of the Social Security Act, as amended; adult bookstores or adult paraphernalia stores as  
146 defined in section 9A of chapter 40A; firearms dealers licensed under section 122 of chapter 140  
147 and ammunitions dealers licensed under section 122B of said chapter 140; tattoo parlors;  
148 manicure shops or aesthetic shops registered under chapter 112; jewelry stores; foreign  
149 transmittal agencies licensed pursuant to chapter 169; or on cruise ships. Such establishments  
150 shall not accept electronic benefit transfer cards. A store owner who knowingly allows a  
151 prohibited electronic benefit transfer transaction in violation of this section or subsection (b) of  
152 section 5I shall be punished by a fine of not more than \$500 for a first offense, by a fine of not  
153 less than \$500 nor more than \$2,500 for a second offense and by a fine of not less than \$2,500  
154 for a third or subsequent offense.

155 (b) A store owner who knowingly violates this section and who also possesses a license  
156 to sell alcoholic beverages under section 12 of chapter 138 shall be referred to the appropriate  
157 licensing authority for possible disciplinary action under section 64 of said chapter 138. A store  
158 owner possessing a license under said section 12 of said chapter 138 who knowingly violates this  
159 section a second or subsequent time shall have its license suspended for not less than 30 days and

160 shall be referred to the appropriate licensing authority for possible further disciplinary action  
161 under said section 64 of said chapter 138.

162 (c) A store owner who knowingly violates this section and who also possesses a license  
163 to sell lottery tickets under sections 26 and 27 of chapter 10 shall be referred to the director of  
164 the state lottery commission for possible disciplinary action. A store owner possessing a license  
165 under said section 26 or 27 of said chapter 10 who knowingly violates this section a second or  
166 subsequent time shall have such license suspended for not less than 30 days and shall be referred  
167 to the director of the state lottery commission for possible further disciplinary action.

168 SECTION 9. Section 5L of said chapter 18, as so appearing, is hereby amended by  
169 adding the following subsection:-

170 (f) An individual who traffics food stamp benefits, as described in subsection (b) and on 1  
171 prior occasion has been convicted of trafficking food stamp benefits pursuant to said subsection  
172 (b) or conspiracy to traffic food stamp benefits shall be punished by imprisonment in a state  
173 prison for not more than 10 years or by a fine of not more than \$25,000 or both.

174 SECTION 10. Section 5M of said chapter 18, as so appearing, is hereby amended by  
175 striking out subsection (f) and inserting in place thereof the following subsection:-

176 (f) A retail or wholesale organization owner who is convicted of organizational food  
177 stamp benefits trafficking and who also possesses a license to sell lottery tickets under sections  
178 26 and 27 of chapter 10 shall have such license suspended for not less than 2 years and shall be  
179 referred to the director of the state lottery commission for possible further disciplinary action.

180 SECTION 11. Section 10 of said chapter 18, as so appearing, is hereby amended by  
181 adding the following paragraph:-

182 Notwithstanding any general or special law to the contrary, 60 days before promulgating  
183 or amending any regulation that would alter eligibility for, or the level of benefits provided  
184 through the department, other than regulations which would benefit recipients, the department  
185 shall file with the house and senate committees on ways and means, the house and senate chairs  
186 of the joint committee on children, families and persons with disabilities and the clerks of the



187 house of representatives and senate a report describing the changes and setting forth justification  
188 for any changes.

189 SECTION 12. Section 16 of said chapter 18, as so appearing, is hereby amended by  
190 inserting after the second paragraph the following paragraph:-

191 A person whose benefits have been expunged under clause (m) or (n) of section 2 shall,  
192 at the request of the person, be afforded a full and fair hearing to determine whether there exists  
193 a legitimate reason for the person to maintain a balance in excess of \$2,500 or for not accessing  
194 the person's benefits for more than 270 days. Upon a finding by the commissioner that a  
195 legitimate reason exists, the commissioner shall reinstate the expunged benefits.

196 SECTION 13. The first paragraph of section 22 of said chapter 18, as so appearing, is  
197 hereby amended by adding the following sentence:- Self-declarations by applicants or recipients  
198 of transitional aid to families with dependent children shall be signed under the penalties of  
199 perjury and, if possible, shall not be accepted as the sole verification of categorical and financial  
200 eligibility during eligibility evaluations and reviews.

201 SECTION 14. The second paragraph of said section 22 of said chapter 18, as so  
202 appearing, is hereby amended by striking out the first sentence and inserting in place thereof the  
203 following 2 sentences:- The department shall determine which verification requirements can be  
204 reasonably met by third party affidavits and shall provide notification to recipients and applicants  
205 of the circumstances under which third party affidavits may be used; provided, however, that all  
206 work participation forms shall be verified by a third party who shall sign the work participation  
207 form under the penalties of perjury. The department may accept a payroll stub that contains an  
208 employer's federal employment identification number for the purposes of verification.

209 SECTION 15. Said chapter 18 is hereby further amended by adding the following 8  
210 sections:-

211 Section 31. The department, in collaboration with the Commonwealth Corporation, shall  
212 develop a job diversion program for applicants for cash assistance under transitional aid to  
213 families with dependent children to identify applicants who have the necessary job skills and  
214 experience and match those applicants with appropriate full-time employment before receiving

215 benefits. The job diversion program shall be mandatory for all identified applicants over the age  
216 of 18 who are not attending a secondary school full time or participating in an education or  
217 training activity, as defined in 106 CMR 203.400(A)(2)(i); provided however, that the program  
218 shall not be mandatory for an applicant who is exempt from the work requirements under 106  
219 CMR 203.400(A)(1)(a) to (c), inclusive; and provided further, that the program shall not be  
220 mandatory for an applicant who is participating in a substance abuse treatment program while in  
221 a substance abuse shelter or other inpatient program.

222 The program shall identify able-bodied applicants who are capable of working and  
223 attempt to match them with jobs prior to receiving benefits. For those identified applicants who  
224 are not connected with full-time employment prior to receiving cash assistance, the department  
225 shall provide a written finding as to why the job diversion program was not successful and the  
226 findings shall be part of the applicant's case file. An applicant who is otherwise eligible for  
227 assistance shall not be denied temporary benefits while awaiting job diversion placements.

228 Section 32. The department shall require mandatory participation in the pathways to self-  
229 sufficiency program, established under section 3C of chapter 118, for all identified applicants  
230 over the age of 18 who are not attending a secondary school full time, participating in an  
231 education or training activity, as defined in 106 CMR 203.400(A)(2)(i); provided, however, that  
232 the program shall not be mandatory for an applicant who is exempt from the work requirements  
233 pursuant to 106 CMR 203.400(A)(1)(a) to (c), inclusive; and provided further, that the program  
234 shall not be mandatory for an applicant who is participating in a substance abuse treatment  
235 program licensed or approved by the department of public health while the applicant is in a  
236 substance abuse shelter or other inpatient program. The department shall monitor the  
237 participation of applicants in the educational or training programs to which they are referred, and  
238 the applicant shall provide documentation to the department of such participation. An applicant  
239 who is otherwise eligible for TAFDC assistance shall not be denied temporary benefits while  
240 awaiting employment placement under the program; provided, however that benefits shall be  
241 suspended if employment documentation is not provided to the department in a timely manner.

242 Section 33. The department shall require applicants or recipients of cash assistance to  
243 provide their social security number upon application; provided, however, that this section shall  
244 not apply to recipients who are present in the United States under 1 of the eligible noncitizen

245 statuses as described in 106 CMR 203.675(A) or 106 CMR 320.620(A) or a victim of domestic  
246 violence who has a pending petition for legal status under the federal Violence Against Women  
247 Act; provided further, that the department shall provide a 3 month placeholder social security  
248 number for applicants or recipients who are expecting mothers in the third trimester of pregnancy  
249 or a child under 4 months of age. Failure to provide a valid social security number within 3  
250 months shall result in the suspension of benefits until a valid social security number is provided  
251 and verified by the department. The department shall promulgate regulations in accordance with  
252 this section.

253           Section 34. The department shall require all training and employment service programs  
254 contracted through the department to track the outcomes of individuals served by the program for  
255 at least 1 year after transitioning into employment. The department shall determine the number  
256 of individuals that each employment service program is required to track.

257           Section 35. The department shall ensure that when recipients of cash assistance call the  
258 department during normal business hours they are able to speak with a caseworker.

259           Section 36. The department, in consultation with the bureau of program integrity,  
260 established pursuant to section 16V of chapter 6A, shall develop a fraud detection program. The  
261 fraud detection program shall analyze the risk of fraud and refer any cases of suspected fraud to  
262 the program integrity division and the bureau of special investigations in the office of the state  
263 auditor. In analyzing risk of fraud and identifying cases for investigation, the program shall  
264 consider: (i) even dollar transactions; (ii) full benefit withdrawal; (iii) usage patterns; (iv) high  
265 electronic benefit transfer card balances; (v) repeated duplicate electronic benefit transfer card  
266 requests; (vi) purchases of prohibited items; (vii) other relevant data sources; (viii) reports to  
267 case workers of potential fraud; and (ix) instances of the use of direct cash assistance in states  
268 other than Massachusetts, New Hampshire, Connecticut, Rhode Island, New York, Vermont and  
269 Maine. In order to assist the program in identifying and investigating likely cases of fraud, the  
270 department shall develop and make available reports identifying even dollar transactions by  
271 cardholder, instances of full benefit withdrawal, high electronic benefit transfer card balances,  
272 duplicate electronic benefit transfer card requests, purchases of prohibited items and other data  
273 reports, biannually.

274           Section 37. The department shall allow applicants or recipients who are employed a  
275 monthly \$150 work-related expense deduction from gross wages in determining eligibility and in  
276 determining the amount of the cash assistance grant. The department shall promulgate  
277 regulations in accordance with this section.

278           Section 38. Notwithstanding any general or special law to the contrary, the department  
279 shall not approve an application for new benefits for any person required to register pursuant to  
280 sections 178C to 178P, inclusive, of chapter 6 and who has failed to register until the individual  
281 registers as required by said sections 178C to 178P, inclusive, of said chapter 6; provided,  
282 however, that prior to the denial of benefits, the department shall provide the applicant with  
283 notice of the applicant’s failure to register pursuant to said sections 178C to 178P, inclusive, of  
284 said chapter 6 and a reasonable opportunity to be heard.

285           SECTION 16. Subsection (b) of section 21 of chapter 62C of the General Laws, as  
286 appearing in the 2012 Official Edition, is hereby amended by adding the following clause:-

287           (27) the disclosure of tax return information for individuals or households to an agency of  
288 the commonwealth, if the agency certifies that the information is relevant to determining the  
289 eligibility of an individual or household for benefits, which are provided by the agency.

290           SECTION 17. Section 3 of chapter 118 of the General Laws, as so appearing, is hereby  
291 amended by striking out, in line 35, the words “division of employment and training” and  
292 inserting in place thereof the following words:- department of career services.

293           SECTION 18. Said chapter 118 is hereby further amended by inserting after section 3A  
294 the following 2 sections:-

295           Section 3B. Subject to appropriation, the department, in collaboration with the  
296 Commonwealth Corporation, shall establish an employment counseling and job training program  
297 to ensure appropriate training for recipients of cash assistance under transitional aid to families  
298 with dependent children. The department, in consultation with the Commonwealth Corporation,  
299 shall work with the community colleges, vocational schools, one-stop career centers, adult basic  
300 education programs, adult college transition programs and other workforce training programs to  
301 identify and develop, if necessary, employment training programs and resources, including

302 programs and resources that meet participants' language and cultural needs and refer applicants  
303 to these programs or resources; provided further, that the program shall include, but not be  
304 limited to, job coaching, assistance in resolving workplace disputes, life skills development,  
305 transportation assistance, counseling, tutoring, support services referrals, tax information forms  
306 regarding state and federal earned income tax credits and any other activities that may assist  
307 recipients through the first year after transitioning into employment.

308           Section 3C. (a) Subject to appropriation, the department, in consultation with the  
309 Commonwealth Corporation, shall establish a program designed to promote financial  
310 independence for recipients of transitional aid to families with dependent children, hereinafter  
311 referred to as TAFDC, by coordinating the placement of recipients with regional employers  
312 through employment agencies, including one-stop career centers, with the goal of permanent  
313 employment. The program shall be known as the pathways to self-sufficiency program and shall  
314 identify applicants with relevant job skills and experience, then match those applicants with  
315 appropriate employment for the required number of hours, as specified in 106 CMR  
316 203.400(A)(5). Applicants shall be referred to the pathways to self-sufficiency program,  
317 following an intake and employment assessment process.

318           (b) The department, in consultation with the Commonwealth Corporation, shall create  
319 selection criteria and guidelines for employment agencies seeking to participate in the placement  
320 of applicants, including, but not limited to: (1) experience with job-seeking difficulties facing  
321 recipients of public assistance; (2) demonstrated ability to identify and overcome barriers to  
322 employment; (3) geographic diversity; (4) experience with members of diverse populations and  
323 individuals who do not speak English; (5) a willingness to accommodate job seekers with  
324 dependent children or family members; and (6) a proven track record of job placement and  
325 retention.

326           (c) For identified applicants who are not connected with appropriate employment within  
327 60 days of applying for TAFDC benefits, the department shall provide a written finding as to  
328 why the pathways to self-sufficiency program was not successful, which shall be part of the  
329 applicant's TAFDC case file.

330 (d) The department shall annually file a report, in consultation with the Commonwealth  
331 Corporation, detailing the number of households and recipients receiving cash assistance under  
332 TAFDC who are participating in the pathways to self-sufficiency program who can reasonably  
333 be moved into gainful employment within 12 months of applying for TAFDC benefits. This  
334 report shall include, but not be limited to: (1) the cost of implementing the components of the  
335 pathways to self-sufficiency program; (2) the estimated placement cost per participant; (3) job  
336 placement and retention rates; (4) the extent to which appropriate activities and supports were  
337 available to recipients; (5) the components of the pathways to self-sufficiency program that were  
338 implemented in light of available resources and appropriations; and (6) the reasons recipients  
339 were unsuccessful in obtaining gainful employment within 12 months. The report shall be filed  
340 with the clerks of the house of representatives and the senate who shall forward the report to the  
341 house and senate chairs of the joint committee on children, families and persons with disabilities  
342 and the house and senate committees on ways and means.

343 (e) The department shall promulgate regulations in accordance with this section.

344 SECTION 19. Said chapter 118 is hereby further amended by adding the following 7  
345 sections:-

346 Section 12. A temporary absence from the commonwealth which exceeds 30 calendar  
347 days or 90 days in aggregate over the course of a calendar year shall create a rebuttable  
348 presumption that Massachusetts residency has been abandoned by a recipient of cash assistance  
349 under transitional aid to families with dependent children and that the recipient is no longer  
350 eligible for assistance. The department shall promulgate regulations in accordance with this  
351 section, including, but not limited to, the process by which the temporary absence shall be  
352 determined.

353 Section 13. (a) During the initial qualification process for full cash assistance under  
354 Transitional Aid to Families with Dependent Children, all adult applicants who are not exempt  
355 from the work requirement shall be required to conduct an initial job search unless the applicant  
356 has good cause for not participating as determined by the department which may include  
357 disability; provided further, that an applicant shall not be disqualified from receiving temporary  
358 assistance during the cash assistance eligibility determination process.

359 (b) The department shall inform all applicants required to conduct an initial job search of  
360 available local job placement service providers. Applicants shall provide evidence of this search  
361 by returning to the department a list of the potential employers contacted recently, the date of  
362 contact and the name and telephone number of the person with whom the applicant spoke, to the  
363 extent feasible. All initial job search documentation shall be signed by the applicant under the  
364 penalties of perjury. The number of potential employers to be contacted by the applicant shall be  
365 determined by the department. An applicant shall provide the information before the applicant's  
366 case approval. An applicant who fails to provide this information within 60 days of filing the  
367 application shall be determined to be ineligible. The department shall promulgate regulations in  
368 accordance with this subsection. The submission to the department of proof of job search  
369 activities issued by a one-stop career center within the department of career services shall satisfy  
370 the requirements of this subsection.

371 (c) The department shall require adult recipients, who are meeting their work requirement  
372 through a job search under the pathways to self-sufficiency program established pursuant to  
373 section 3C, to provide, on a weekly basis, evidence of job searches by returning to the  
374 department a list of the employers contacted, the date of contact and the name and telephone  
375 number of the person with whom the applicant spoke, to the extent feasible. The requirements of  
376 this subsection shall be deemed satisfied upon submission to the department of proof of job  
377 search activities issued by a one-stop career center within the department of career services. The  
378 department shall terminate cash assistance under transitional aid to families with dependent  
379 children for a recipient who fails to provide such accurate information; provided, however, that  
380 the department shall not terminate the cash assistance provided to the recipient's dependent  
381 children. The department shall promulgate regulations in accordance with this subsection.

382 Section 14. The department shall not calculate a separate 60 month benefit period for an  
383 individual who receives aid under transitional aid to families with dependent children if the  
384 individual is part of a 2 parent assistance unit. The department shall promulgate regulations in  
385 accordance with this section.

386 Section 15. The department shall develop economic independence goals for all recipients  
387 of cash assistance under transitional aid to families with dependent children to be completed  
388 during the recipient's first 24 month period of receiving benefits. The economic independence

389 goals shall assist a recipient in determining a path through which the recipient may become self-  
390 sufficient. Recipients who re-apply for benefits at any time after the first 24 month period shall  
391 be required to demonstrate a good faith attempt to meet their goals prior to receiving additional  
392 benefits or an extension of benefits. Recipients who fail to demonstrate a good faith attempt to  
393 meet all of their goals shall not receive additional benefits or an extension of benefits; provided,  
394 however that this section shall not prohibit a recipient from receiving benefits on behalf of a  
395 dependent child.

396           Section 16. (a) The department shall develop a savings program that allows recipients of  
397 cash assistance under transitional aid to families with dependent children to accumulate assets  
398 outside of the asset limit in savings accounts, called economic independence accounts. The  
399 economic independence accounts shall be used to help recipients save for the first and last month  
400 of rent, a security deposit, costs related to education or training or any other expense that the  
401 department determines will aid a recipient in transitioning off of benefits, which may include  
402 health care costs or debt reduction. The economic independence accounts shall not be included  
403 as a countable asset under 106 CMR 204.120.

404           (b) For recipients of cash assistance under transitional aid to families with dependent  
405 children who elect to participate in the savings program, the department shall require a  
406 designated amount of a recipient's cash assistance to be held in an escrow account for the  
407 recipient until the recipient is no longer eligible or in need of benefits; provided further, that the  
408 department shall allow a recipient to deposit additional funds to the account. While a recipient is  
409 receiving benefits, funds in the economic independence account shall only be withdrawn for a  
410 department approved purpose. If a recipient, who is currently receiving benefits, uses funds from  
411 an economic independence account for any purpose other than a department approved purpose,  
412 the department shall reduce the recipient's monthly cash assistance until the cumulative  
413 reductions are equal to the amount used for a non-allowable purpose. The department shall  
414 promulgate regulations in accordance with this section; provided that the commissioner shall  
415 submit any proposed regulations to the joint committee on children, families and persons with  
416 disabilities and the house and senate committees on ways and means at least 30 days before their  
417 adoption by the department.



418 Section 17. The department shall require unverified applicants for cash assistance for a  
419 dependent under transitional aid to families with dependent children to provide proof of income  
420 and assets. For the purposes of this section, an unverified applicant shall mean an applicant who  
421 has not provided the required information about citizenship or immigration status.

422 Section 18. Notwithstanding 106 CMR 203.400(A)(2)(i) or any general or special law to  
423 the contrary, an education or training activity, for the purpose of meeting the work requirement,  
424 shall be defined as any 4 year degree granting higher education institution, community college  
425 or certificate program, not to exceed 24 months, or a vocational education program, not to  
426 exceed 12 months. If the education or training activity is less than the hours per week required to  
427 meet the work requirement, the recipient shall perform other work program activities to total the  
428 required hours per week.

429 SECTION 20. Chapter 121B of the General Laws is hereby amended by inserting after  
430 section 32F the following section:-

431 Section 32G. A temporary absence from the commonwealth which exceeds 30 calendar  
432 days or 90 days in aggregate over the course of a calendar year shall create a rebuttable  
433 presumption that Massachusetts residency has been abandoned by a recipient of state or  
434 municipally-funded or subsidized housing and that the recipient is no longer eligible for such  
435 assistance under this chapter. The department shall promulgate regulations in accordance with  
436 this section, including, but not limited to, the process by which the 90 days shall be monitored.

437 SECTION 21. The definition of "Child of record" in subsection (a) of section 110 of  
438 chapter 5 of the acts of 1995 is hereby amended adding the following words:- ; provided,  
439 however, that the commissioner shall develop specific criteria for approving exemptions or  
440 waivers to the family cap provision for extraordinary circumstances and shall only grant an  
441 exemption or waiver when the specific criteria is met.

442 SECTION 22. Subsection (b) of said section 110 of said chapter 5, as amended by section  
443 308 of chapter 159 of the acts of 2000, is hereby further amended by striking out the words  
444 "provided, however, that the fair market value of any licensed motor vehicle does not exceed an  
445 amount determined by the commissioner in consultation with the secretary of the executive  
446 office of transportation and construction and the equity value of any licensed motor vehicle does

447 not exceed \$5,000; provided, further, that any value in excess of said five thousand dollars shall  
448 be attributed toward said family's countable resources" and inserting in place thereof the  
449 following words:- provided, however, that an assistance unit shall be allowed 1 non-luxury  
450 vehicle the value of which does not exceed \$15,000; provided further, that any value in excess of  
451 \$15,000 shall be attributed toward the family's countable resources; and provided further, that  
452 the commissioner, deputy commissioner or an assistant commissioner may grant a full or partial  
453 written waiver for a vehicle valued in excess of \$15,000 that the commissioner, deputy  
454 commissioner or assistant commissioner determines is necessary for a particular employment or  
455 family circumstance.

456 SECTION 23. Said subsection (b) of said section 110 of said chapter 5, as so amended, is  
457 hereby amended by adding the following paragraph:- The department shall exclude from a  
458 family's countable resources any earned income of dependent children of the family who are  
459 working part-time while attending school full time. The department shall promulgate regulations  
460 in accordance with this section, including, but not limited to, updating 106 CMR 204.210(D)(2).

461 SECTION 24. Subsection (e) of said section 110 of said chapter 5 is hereby amended by  
462 striking out clauses (1) and (2) and inserting in place thereof the following 2 clauses:-

463 (1) recipients who are disabled, as defined by the federal Social Security Act, 42  
464 U.S.C.A. § 423 (d) or, in the commissioner's discretion, a recipient who has been determined by  
465 the commonwealth's disability evaluation service to have a disability that meets or equals  
466 medical standards established by the department or substantially reduces the recipient's ability to  
467 support the recipient's children taking into account the individual's age, education and work  
468 experience; provided that in families with 2 parents, both parents are disabled; provided further,  
469 that to the extent permitted by federal law, the word "disabled" shall not include recipients who  
470 are dependent on alcohol or drugs or whose disability is based in whole or in part on previous  
471 dependency. A recipient who requests an exemption under this clause shall, as a condition of  
472 continued eligibility for transitional aid to families with dependent children, apply for  
473 supplemental security income (SSI) and, if requested by the department, appeal a denial of SSI  
474 benefits. Recipients who do not comply with the department's request to apply for SSI or appeal  
475 a decision shall not be granted a work exemption under this clause.

476 (2) recipients who must care for a disabled child or spouse. A recipient who requests  
477 an exemption under this clause shall apply for SSI benefits on behalf of the disabled child or  
478 spouse.

479 SECTION 25. Clause (3) of said subsection (e) of said section 110 of said chapter 5 is  
480 hereby amended by striking out the words “recipients in their third trimester of pregnancy” and  
481 inserting in place thereof the following words:- recipients in their thirty-third week or later of  
482 pregnancy, recipients in their third trimester of pregnancy who have submitted documentation  
483 signed by a primary care provider as defined in section 1 of chapter 111 of the General Laws or  
484 an obstetrician, gynecologist, nurse-midwife or family practitioner registered and certified under  
485 chapter 112 of the General Laws that the recipient has a medical condition that prevents the  
486 recipient from working.

487 SECTION 26. The fourth paragraph of subsection (f) of said section 110 of said chapter 5  
488 is hereby amended by inserting after the word “extended”, in line 2, the following words:- ;  
489 provided, however, that an extension of benefits shall not exceed 3 months.

490 SECTION 27. The first paragraph of subsection (j) of said section 110 of said chapter 5,  
491 as appearing in section 218 of chapter 149 of the acts of 2004, is hereby amended by striking out,  
492 in line 9, the word “older;” and inserting in place thereof the following words:-

493 older. The department shall exempt from the work requirement a recipient who is age 66  
494 or older; provided, however, that a recipient who is age 60 or over, who is the primary caregiver  
495 for a child and who was retired prior to applying for benefits shall be exempt from the work  
496 requirement; and provided further, that the department shall promulgate regulations in  
497 accordance with this sentence, including, but not limited to, updating 106 CMR  
498 203.100(A)(1)(h).

499 SECTION 28. Said subsection (j) of said section 110 of said chapter 5 is hereby further  
500 amended by inserting after the second paragraph, as so appearing, the following paragraph:-

501 An individual receiving cash assistance under transitional aid to families with dependent  
502 children who is not exempt from the work requirement as determined through regulations  
503 promulgated by the department may meet the work requirement by participating in an education

504 or training activity for up to the required hours per week as determined by the department. The  
505 education or training activity shall not exceed 24 months; provided, however, that the department  
506 may extend the duration of the education or training activity eligible to meet the work  
507 requirement if the department determines, using performance standards established by the  
508 department, that the individual is making substantial progress towards completion of a certificate  
509 or degree program; provided further, that if the department determines that an individual is not  
510 making substantial progress towards completion of a certificate or degree program the individual  
511 shall no longer be eligible for the exemption. The department shall promulgate regulations in  
512 accordance with this section.

513 SECTION 29. Subsection (l) of said section 110 of said chapter 5, as amended by section  
514 157 of chapter 43 of the acts of 1997, is hereby amended by adding the following paragraph:-

515 (16) To reduce or eliminate the amount of contributions or payments made by employers  
516 and applicants participating in the full employment program, toward the cost of qualified medical  
517 insurance, employers and applicants who participate in the program shall receive insurance  
518 reimbursement under section 9C of chapter 118E of the General Laws. The insurance  
519 reimbursement shall be provided to employers participating in the program regardless of whether  
520 the employer employs more than 50 employees or meets the other requirements of an “eligible  
521 employer” under said section 9C of said chapter 118E or under the regulations. The insurance  
522 reimbursement shall be provided to any recipient employed through the program regardless of  
523 whether the recipient is an eligible employee under said section 9C of said chapter 118E.  
524 Reimbursements to employers under this paragraph shall be in accordance with subsection (4) of  
525 said section 9C of said chapter 118E, but shall not be subject to limitation by MassHealth in  
526 accordance with paragraph (C) of subsection (2) of said section 9C of said chapter 118E.  
527 Reimbursements to recipients under this paragraph shall not be subject to paragraph (A) of  
528 subsection (2) of said section 9C of said chapter 118E, but shall be in accordance with a fee  
529 schedule set forth in regulations promulgated by MassHealth in consultation with the department  
530 of transitional assistance. Reimbursements under this section shall be subject to all other  
531 applicable requirements of said section 9C of said chapter 118E.

532 SECTION 30. Section 121 of said chapter 5 is hereby amended by striking out, in lines 3,  
533 8 and 25, the word “fourteen” and inserting in place thereof, in each instance, the following  
534 figure:- 16.

535 SECTION 31. Said section 121 of said chapter 5 is hereby further amended by adding the  
536 following clause:-

537 (3) For the purposes of this section, participation in an alternative education program or a  
538 general education development preparation and training program shall meet the school  
539 attendance requirement.

540 SECTION 32. Notwithstanding any general or special law to the contrary, the department  
541 of transitional assistance shall develop, implement and maintain a plan to reduce the use of paper  
542 records and documentation and to eliminate the sole reliance on such paper records for its  
543 operations. The plan shall progressively eliminate the need to use hard copies of forms. The  
544 department shall submit quarterly reports to the clerks of the house of representatives and the  
545 senate on its progress. The first report shall be filed not later than December 1, 2014.

546 SECTION 33. Notwithstanding any general or special law to the contrary, the department  
547 of housing and community development shall allow the Worcester Housing authority to operate  
548 the authority’s A Better Life program in state-subsidized housing.

549 SECTION 34. Notwithstanding any general or special law to the contrary, a pregnant  
550 teen who meets all other eligibility requirements shall be eligible to live in a teen parent shelter  
551 or participate in a teen living program during her entire pregnancy and shall be eligible to receive  
552 cash assistance under transitional aid to families with dependent children if she meets the school  
553 attendance requirements set forth in 106 CMR 203.610 and the requirements set forth in 106  
554 CMR 203.630.

555 SECTION 35. Notwithstanding any general or special law to the contrary, the  
556 department of transitional assistance shall develop protocols for coordinating information with  
557 federal, state and local law enforcement agencies and the administrative office of the trial court  
558 regarding recipients of publicly-funded benefits who are the subject of felony warrants. The  
559 protocols shall be designed to use the department’s records to facilitate proper notice to the

560 individual and the department shall, upon request, provide all relevant information to any such  
561 law enforcement or the court to facilitate the timely resolution of the warrant.

562 SECTION 36. Notwithstanding any general or special law to the contrary, the department  
563 of transitional assistance, in consultation with the Commonwealth Corporation, shall revitalize  
564 the full employment program, established by section 110 of chapter 5 of the acts of 1995, in  
565 which recipients, subject to criteria and eligibility rules established by the department, shall be  
566 provided with employment in a manner which promotes self-sufficiency and which shall provide  
567 work experience to improve the recipient's competitive position in the workforce.

568 SECTION 37. Notwithstanding any special or general law to the contrary, the secretary  
569 of administration and finance shall study the administration and efficacy of the current benefit  
570 systems and programs in the commonwealth and the resource inputs of said benefit system and  
571 programs, including, but not limited to, the following: electronic benefit transfer, supplemental  
572 nutrition assistance program, section 8 housing, low income home energy assistance program,  
573 extending the earned income tax credit, the extension of a child and dependent care tax credit,  
574 and any other programs deemed appropriate by the secretary that move individuals out of  
575 poverty and into situations of economic independence and autonomy. The study shall be  
576 conducted in consultation with the commissioner of the department of transitional assistance, the  
577 commissioner of the department of housing and community development and other executive  
578 agencies as the secretary deems appropriate. The secretary shall provide an opportunity for  
579 comments and input from members of the public and general court on or before January 1, 2014,  
580 provided that such opportunity shall include at least 1 public hearing. The secretary shall report  
581 on the findings of the study to the clerks of the house of representatives and senate and the house  
582 and senate committees on ways and means on or before January 5, 2015.

583 SECTION 38. Notwithstanding any general or special law to the contrary, as federally  
584 permissible, the department of transitional assistance and the department of elementary and  
585 secondary education shall develop and implement a statewide system to verify school  
586 attendance.

587 SECTION 39. Notwithstanding any general or special law to the contrary, the department  
588 of transitional assistance shall issue a report to establish a cashless system by January 1, 2019.

589 SECTION 40. The department of transitional assistance, if required, shall seek a federal  
590 exemption or waiver in order to implement this act.

591 SECTION 41. The department of transitional assistance shall promulgate regulations to  
592 implement this act.

593 SECTION 42. Sections 6, 15, 18 to 21, inclusive, and 29 shall take effect 90 days after  
594 the effective date of this act.