

HOUSE No. 00074

The Commonwealth of Massachusetts

PRESENTED BY:

Byron Rushing

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 ensuring equal access to services for all residents of the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Byron Rushing</i>	<i>9th Suffolk</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>Alice K. Wolf</i>	<i>25th Middlesex</i>
<i>Gloria L. Fox</i>	<i>7th Suffolk</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>

HOUSE No. 00074

By Mr. Byron Rushing of Boston, petition (accompanied by bill, House, No. 00074) of Byron Rushing and others relative to ensuring equal access to programs, projects or activity for the provision of services, financial aid or other benefits services for all residents of the Commonwealth. Joint Committee on Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 175 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act ensuring equal access to services for all residents of the Commonwealth.

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 30 of the General Laws is hereby amended by adding
- 2 after section 64 the following new section: —
- 3 Section 65. (a) For the purposes of this section the following terms shall mean:
- 4 Program: any program, project or activity for the provision of services, financial aid, or other
- 5 benefits to individuals. This shall include, but not be limited to, education or training,
- 6 employment, health, welfare, rehabilitation, housing or other services, whether provided directly

7 by the recipient of funds of the commonwealth or provided by others through contracts or other
8 arrangements with the recipient.

9 Recipient: any political subdivision of the commonwealth or instrumentality thereof, including
10 quasi-public commissions, or any public or private agency, institution or organization, or other
11 entity, or any individual, in any political subdivision of the commonwealth to whom funds of the
12 commonwealth are extended, either directly or through another recipient, for any program.

13 Recipient shall include any successor, assignee, or transferee thereof. It shall not include any
14 ultimate beneficiary under such program.

15 (b) It shall be the policy of the commonwealth to support and encourage any residents in their
16 attempt to obtain legal immigration status and, if they choose, citizenship. Nothing in this section
17 shall prohibit an agency or employee of the commonwealth or recipient of commonwealth funds
18 from requesting information or documentation regarding immigration status to the extent
19 necessary to assist an individual in resolving an immigration question when such assistance is
20 part of a program's activities and is consistent with this subsection.

21 (c)(1) No regulation, rule, or other requirement may be imposed by any agency or employee of
22 the commonwealth nor by a recipient of funds from the commonwealth which denies any
23 assistance, benefit, payment, service, or participation in any program or activity on the basis of
24 alienage or immigration status, except as required by federal or state statute, or court decision.

25 (c)(2) No agency or employee of the commonwealth nor any recipient of commonwealth funds
26 shall request information about, investigate, or assist in the investigation of the alienage or
27 immigration status of any person unless such inquiry or investigations required by federal or
28 state statute, or court decision; nor shall any such individual or entity disseminate information

29 regarding the citizenship or residency status of any person unless required to do so by federal or
30 state statute, or court decision; nor shall any such individual or entity condition the provision of
31 any assistance, benefit, payment, service, or participation in any program or activity on the basis
32 of alienage or immigration status, unless required to do so by federal or state statute, court
33 decision, or except insofar as may be lawfully imposed on those persons who are committed to
34 the custody of the department of corrections.

35 (d) Nothing in this section shall prohibit an agency or employee of the commonwealth or a
36 recipient of commonwealth funds from requesting information or documentation regarding
37 alienage or immigration status to the extent necessary to secure federal reimbursement for a
38 specific program.