

SENATE No. 2708

The Commonwealth of Massachusetts

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

SENATE, March 18, 2024.

The committee on Senate Ways and Means to whom was referred the House Bill making appropriations for the fiscal year 2024 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4466); reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2708. (Direct Appropriations: \$25,000,000.00 -- This legislation has a cost of \$25M to the Commonwealth in fiscal year 2024 direct appropriations. This legislation authorizes up to \$75M per month in fiscal year 2024 and establishes declining spending caps in fiscal year 2025 to be spent from the Transitional Escrow Fund.)

For the committee,
Michael J. Rodrigues

SENATE No. 2708

The Commonwealth of Massachusetts

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

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

11 SECTION 2.

12 OFFICE OF THE COMPTROLLER

13 Comptroller

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

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

24 1599-1213 For a reserve to support the commonwealth’s response to the ongoing
25 humanitarian crisis and influx of families seeking shelter; provided, that funds shall be expended
26 for housing intervention services and workforce supports including, but not limited to, (i)
27 financial and administrative assistance in applying for work authorization upon application for
28 benefits through the emergency housing assistance program ; (ii) English language instruction to
29 non-English speaking or limited English speaking families or pregnant women receiving benefits
30 through the emergency housing assistance program; (iii) job-related skills training; and (iv)
31 employment training, including programs offered by local workforce development boards and
32 career centers; and provided further, that not less than \$2,000,000 shall be expended for
33 resettlement agencies.....\$10,000,000

34 Transitional Escrow Fund.....100%

35 SECTION 3. Section 30 of chapter 23B of the General Laws, as amended by sections 120
36 and 121 of chapter 7 of the acts of 2023, is hereby further amended by inserting after subsection
37 (F) the following subsection:-

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

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

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

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

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

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

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

94 (c) Pursuant to subsection (b), a local licensing authority may grant approval for a change
95 in the description of the licensed premises for the purpose of permitting outdoor alcohol service,
96 as the local licensing authority deems reasonable and proper, and issue an amended license to
97 existing license holders, without further review or approval from the commission prior to
98 issuance. Upon approval of an amended license, the local licensing authority shall provide notice
99 of the amended license to the commission. Nothing in this section shall prevent the commission
100 from exercising the commission’s enforcement authority over an amended license.

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

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

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

119 SECTION 6. Section 23 of chapter 20 of the acts of 2021, as most recently amended by
120 section 39 of chapter 2 of the acts of 2023, is hereby further amended by striking out the figure
121 “2024” and inserting in place thereof the following figure:- 2025.

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

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

129 SECTION 9. Notwithstanding subsection (a) of section 23 of chapter 32B of the General
130 Laws, the North Middlesex regional school district shall provide notice to the group insurance
131 commission for the transfer of subscribers to the commission effective July 1, 2024.

132 SECTION 10. The executive office of housing and livable communities shall promulgate
133 regulations or issue guidance regarding eligibility under subsection G of section 30 of chapter
134 23B of the General Laws which shall: (i) establish procedures for the termination of benefits; and
135 (ii) allow a family with children or a pregnant woman with no other children to reapply for the
136 emergency housing assistance program. Eligibility determinations for a family or pregnant
137 woman reapplying for the program shall be consistent with the guidance issued by the secretary
138 of housing and livable communities on October 31, 2023, entitled “Emergency Assistance
139 Program Guidance on Waitlist and Prioritization Procedures pursuant to Capacity Declaration
140 dated October 31, 2023”, pursuant to 760 CMR 67.10, as inserted by emergency regulations
141 issued by the executive office of housing and livable communities on October 31, 2023. No
142 benefits shall be terminated under said subsection G of said section 30 of said chapter 23B until
143 90 days after the regulations or guidance required under this section are issued.

144 SECTION 11. There shall be a special commission to study and make recommendations
145 on: (i) the sustainability, efficiency and effectiveness of the emergency housing assistance
146 program; (ii) how to best support and ensure the long-term sufficiency of those seeking shelter;
147 and (iii) creating a regional based response to support families in need of shelter.

148 The commission shall consist of: the secretary of housing and livable communities or a
149 designee, who shall serve as chair; the secretary of health and human services or a designee; the
150 secretary of administration and finance or a designee; the director of the office for refugees and
151 immigrants or a designee; the senate and house chairs of the joint committee on housing; the
152 senate and house chairs of the joint committee on children, families and persons with disabilities;
153 and 3 members to be appointed by the governor who shall reflect geographic diversity and have
154 expertise in public and affordable housing, homelessness prevention or response or immigration
155 and resettlement policy.

156 The study shall include, but not be limited to: (i) examining the financial impact and
157 sustainability of response efforts and the emergency housing assistance program; (ii) identifying
158 how existing resources can be allocated to ensure the long-term sustainability of emergency
159 housing response efforts and the emergency housing assistance program; (iii) reviewing the
160 existing reception and placement structure in the commonwealth for families seeking shelter,
161 including immigrants, refugees and homeless individuals and families; (iv) evaluating and
162 making recommendations to improve the existing structures in the commonwealth for
163 determining eligibility, access to supportive services and placements for families seeking
164 housing support or shelter, including immigrants, refugees and homeless families; (v) evaluating
165 and making recommendations to improve the efficiency and integration of programs that provide
166 temporary shelter, pathways to permanent housing, language capacity and workforce training;

167 (vii) identifying improvements and structures necessary to reduce the time families spend in
168 emergency shelter and transition them to more stable housing options; (vii) exploring
169 opportunities to maximize the use of federal reimbursement for expenditures from the program;
170 (viii) examining regional strategies to coordinate with local organizations and resettlement
171 agencies to maximize resources to help resettle and integrate immigrants and refugees into the
172 community, including, but not limited to, stable housing opportunities, wrap-around services,
173 language lessons, job training programs and pathways to employment and self-sufficiency and
174 state benefits and services.

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

179 SECTION 12. Notwithstanding any general or special law to the contrary, following
180 approval by the secretary of administration and finance, not more than \$75,000,000 may be
181 expended during any 30 day period from the Transitional Escrow Fund established by section 16
182 of chapter 76 of the acts of 2021, as amended by section 4 of chapter 98 of the acts of 2022, for
183 the purposes appropriated in item 7004-0101 of section 2 of chapter 28 of the acts of 2023 and
184 item 1599-0514 of section 2A of chapter 77 of the acts of 2023. Such expenditures shall not be
185 subject to appropriation.

186 SECTION 13. Notwithstanding any general or special law to the contrary, following
187 approval by the secretary of administration and finance, not more than \$65,000,000 may be
188 expended during any 30 day period from the Transitional Escrow Fund established by section 16

189 of chapter 76 of the acts of 2021, as amended by section 4 of chapter 98 of the acts of 2022 for
190 the purposes appropriated in item 7004-0101 of section 2 of chapter 28 of the acts of 2023 and
191 item 1599-0514 of section 2A of chapter 77 of the acts of 2023. Such expenditures shall not be
192 subject to appropriation.

193 SECTION 14. Notwithstanding any general or special law to the contrary, following
194 approval by the secretary of administration and finance, not more than \$55,000,000 may be
195 expended during any 30 day period from the Transitional Escrow Fund established by section 16
196 of chapter 76 of the acts of 2021, as amended by section 4 of chapter 98 of the acts of 2022 for
197 the purposes appropriated in item 7004-0101 of section 2 of chapter 28 of the acts of 2023 and
198 item 1599-0514 of section 2A of chapter 77 of the acts of 2023. Such expenditures shall not be
199 subject to appropriation.

200 SECTION 15. Notwithstanding any general or special law to the contrary, following
201 approval by the secretary of administration and finance, not more than \$45,000,000 may be
202 expended during any 30 day period from the Transitional Escrow Fund established by section 16
203 of chapter 76 of the acts of 2021, as amended by section 4 of chapter 98 of the acts of 2022 for
204 the purposes appropriated in item 7004-0101 of section 2 of chapter 28 of the acts of 2023 and
205 item 1599-0514 of section 2A of chapter 77 of the acts of 2023. Such expenditures shall not be
206 subject to appropriation.

207 SECTION 16. Notwithstanding any general or special law to the contrary, following
208 approval by the secretary of administration and finance, not more than \$35,000,000 may be
209 expended during any 30 day period from the Transitional Escrow Fund established by section 16
210 of chapter 76 of the acts of 2021, as amended by section 4 of chapter 98 of the acts of 2022 for

211 the purposes appropriated in items 7004-0101 of section 2 of chapter 28 of the acts of 2023 and
212 item 1599-0514 of section 2A of chapter 77 of the acts of 2023. Such expenditures shall not be
213 subject to appropriation.

214 SECTION 17. The executive office for administration and finance shall submit a report to
215 the house and senate clerks and the house and senate committees on ways and means, biweekly,
216 that shall include, but not be limited to: (i) the reporting required by item 1599-0514 of chapter
217 77 of the acts of 2023; (ii) the current funded capacity of the emergency housing assistance
218 program; (iii) the number of families applying for shelter in the previous 14 days; (iv) the
219 number of families on the waitlist for services under the emergency housing assistance program;
220 (v) a description of the services provided to such families on the waitlist; (vi) the current number
221 of families on the waitlist receiving services at overflow shelter sites; (vii) the total number of
222 families who have exited the emergency housing assistance program in the previous 14 days;
223 (viii) the total number of families on the waitlist who have been placed in shelter in the previous
224 14 days; (ix) the average length of stay for families in the emergency housing assistance
225 program; (x) expenditures from the Transitional Escrow Fund in the previous 14 days in
226 accordance with sections 12, 13, 14, 15, and 16, delineated by purpose; and (xi) total
227 expenditures from the Transitional Escrow Fund in accordance with sections 12, 13, 14, 15, and
228 16 since April 1, 2024, delineated by purpose.

229 SECTION 18. Section 12 is hereby repealed.

230 SECTION 19. Section 13 is hereby repealed.

231 SECTION 20. Section 14 is hereby repealed.

232 SECTION 21. Section 15 is hereby repealed.

233 SECTION 22. Section 16 is hereby repealed.

234 SECTION 23. Sections 5 and 6 shall take effect on March 31, 2024.

235 SECTION 24. Section 4 shall take effect on April 1, 2024.

236 SECTION 25. Sections 3 and 10 shall take effect on June 1, 2024.

237 SECTION 26. Sections 9, 13 and 18 shall take effect on July 1, 2024.

238 SECTION 27. Sections 14 and 19 shall take effect on October 1, 2024.

239 SECTION 28. Sections 15 and 20 shall take effect on January 1, 2025.

240 SECTION 29. Sections 16 and 21 shall take effect on April 1, 2025.

241 SECTION 30. Section 22 shall take effect on July 1, 2025.