

SENATE No. 91

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to address inequality, promote opportunity and end poverty.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>1/29/2019</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/1/2019</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>2/1/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/1/2019</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/6/2019</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>2/6/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/8/2019</i>

SENATE No. 91

By Mr. Moore, a petition (accompanied by bill, Senate, No. 91) of Michael O. Moore, Mathew J. Muratore, Bruce E. Tarr, John F. Keenan and other members of the General Court for legislation to address inequality, promote opportunity and end poverty. Community Development and Small Businesses.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 89 OF 2017-2018.]

The Commonwealth of Massachusetts

—————
**In the One Hundred and Ninety-First General Court
(2019-2020)**
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An Act to address inequality, promote opportunity and end poverty.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 23B of the Massachusetts General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking section 24 in its entirety, and inserting in place
3 thereof the following:

4 Section 24. As used in this section the following words, unless the context requires
5 otherwise, shall have the following meaning:

6 “Community action agency”, a nonprofit agency which has previously been designated
7 and authorized to accept funds from the federal Community Services Administration for
8 community action agencies under the federal Economic Opportunity Act of 1964, unless such
9 designation is rescinded by the director in accordance with the provisions of this section, or any

10 agency formed as may be designated as a community action agency by the director to succeed
11 any agency that the director determines fails to meet federal requirements, or fair and reasonable
12 requirements established by the director, or any agency designated as a community action agency
13 by the director to serve previously unserved areas in accordance with the provisions of this
14 section; community action agencies are the federally mandated antipoverty agencies in the
15 Commonwealth of Massachusetts and the network of community based organizations they
16 comprise shall be considered the federally mandated antipoverty network operating in the
17 Commonwealth of Massachusetts.

18 “Department”, the Massachusetts Department of Housing and Community Development.

19 “Committee”, the advisory committee established by this section.

20 “Fund”, The Community Action Trust Fund to Address Inequality, Promote Opportunity,
21 and End Poverty established by this section.

22 “MASSCAP”, Massachusetts Association for Community Action.

23 “Community services block grant”, funds designated to ameliorate the causes of poverty
24 in communities within the commonwealth, distributed by the federal government to the
25 commonwealth pursuant to section 672(a) et. seq. of the Omnibus Budget Reconciliation Act of
26 1981, or its successor.

27 “Density of poverty”, percentage of total population in area to be served representing
28 persons at one hundred per cent of poverty as defined by the United States Office of
29 Management and Budget.

30 A community action agency shall maintain a board structure where one-third of the
31 members shall be elected public officials, currently, holding office, or their representatives,
32 except that if the number of elected officials reasonably available and willing to serve is less than
33 one-third of the membership on the board, membership on the board of appointive public
34 officials may be counted in meeting such one-third requirement; at least one-third of the
35 members shall be persons chosen in accordance with democratic selection procedures adequate
36 to assure that they are representative of the poor in the area served; and the remainder of the
37 members shall be officials or members of the business, industry, labor, religious, welfare,
38 education, or other major groups and interests in the community.

39 In order to qualify as a community action agency, such agency must be one which is
40 community based and operated as set forth in this section which: -

41 (a) is designed to provide a comprehensive range of services and activities having a
42 measurable and potentially major impact on causes of poverty in the community or those areas of
43 the community where poverty is a particularly acute problem; plan systematically for an
44 effective community action program; develop information as to the problems and causes of
45 poverty in the community; determine how much and how effectively assistance is being provided
46 to deal with those problems and causes; and establish priorities among projects, activities and
47 areas as needed for the best and most efficient use of resources; in cooperation with community
48 agencies and officials, undertake actions to improve existing efforts to reduce poverty, such as
49 community agencies and officials are responsible; Initiate and sponsor projects responsive to
50 needs of the poor which are not otherwise being met, with particular emphasis on providing
51 central or common services that can be drawn upon by a variety of related programs, developing
52 new approaches or new types of services that can be incorporated into other programs, and filling

53 gaps pending the expansion or modification of those programs; establish effective procedures by
54 which the poor and area residents concerned will be enabled to influence the character of
55 programs affecting their interests, provide for their regular participation in the implementation of
56 those programs, and provide technical and other support needed to enable the poor and
57 neighborhood groups to secure on their own behalf available assistance from public and private
58 sources; build collaborations and coalitions and join with and encourage business, labor and
59 other private groups and organizations to undertake, together with public officials and agencies,
60 activities in support of the community action program which will result in the additional use of
61 private resources and capabilities, with a view to developing new employment opportunities,
62 stimulating investment that will have a measurable impact on reducing poverty among residents
63 of areas of concentrated poverty, and providing methods by which residents of those areas can
64 work with private groups, firms, and institutions in seeking solutions to problems of common
65 concern.

66 (b) has been developed and has organized and combined projects and has integrated and
67 arranged and blended services, also known as “wrap around” services, so called, and has
68 employed comprehensive case management as a fundamental component of its service approach
69 and activities undertaken by the agency in a manner appropriate to carry out all the purposes of
70 this section; and

71 (c) includes, but is not limited to, programs to assist low income participants, including
72 the elderly poor, such as programs to: secure and maintain meaningful employment, attain an
73 adequate education; provide and maintain adequate housing and a suitable living environment;
74 receive energy assistance and weatherization services; obtain financial education; avoid
75 homelessness; develop assets; obtain emergency assistance through loans or grants to meet

76 immediate and urgent individual and family needs, including the need for health services,
77 nutritious food, housing and employment-related assistance; remove obstacles and solve personal
78 and family problems which block the achievement of self-sufficiency; and achieve greater
79 participation in the affairs of the community.

80 From time to time, community action agencies, as represented by their association known
81 as the Massachusetts Association for Community Action, shall convene with elected and
82 appointed officials, allied organizations, low-income residents, and others, regional and
83 statewide sessions on addressing poverty, the findings and information from which shall
84 contribute to the adjustment and improvement of existing policies and programs and practices
85 and the development of new policies and programs and practices to address inequality in the
86 Commonwealth of Massachusetts.

87 There shall be established the Interagency Council to Address Inequality, Promote
88 Opportunity, and End Poverty for the purpose of reviewing existing programs and making
89 recommendations to ensure that programs aimed at addressing poverty and inequality, promoting
90 opportunity, and otherwise fostering self-sufficiency among low income and working people are
91 coordinated and provided in a productive manner; the Council shall be coordinated by the
92 Department of Housing and Community and Development and will increase coordination among
93 the several other state agencies and departments including but not limited to the departments
94 within the Executive Office of Health and Human Services and within the Executive Office of
95 Labor and Workforce Development (more to add) that help vulnerable people achieve stability
96 and move on to economic mobility; members of the Council shall meet at least 6 times a year
97 and consult on a regular basis with individuals or groups who have specific expertise in subject
98 areas that the Council is addressing; the Council shall have the authority to review existing

99 programs and recommend improvements to such programs and policies to ensure that such
100 services are provided in an efficient, cost-effective, and productive manner, recommend
101 legislation to improve the operation of the policies of the Commonwealth, recommend changes
102 to regulations of any agency of the Commonwealth, recommend contracts, grants, or other,
103 recommend partnerships with private entities, including corporate, philanthropic, and faith-based
104 organizations, as well as the federal government and municipalities; the Council shall monitor
105 the progress of any initiatives undertaken in response to the Council's recommendations.

106 The Council shall be considered a permanent panel and shall report any findings or
107 recommendations, including any recommendations for legislation or regulation, to the Governor
108 at such periods as determined by the Chair on January 15th of each year.

109 Subject to appropriation, for a program to provide community investment support for
110 community action agencies operating in Massachusetts, as defined by this section;

111 Provided that the resources from this line-item be used for the same purposes by
112 community action agencies that the federal fund known as the community service block grant, as
113 defined by this section and 42 U.S.C. et seq. is used;

114 Provided further, that the resources from this line-item be distributed to the community
115 action agencies by the department of housing and community development;

116 Provided further, that not less than two percent of the resources from this line item be
117 provided to the Massachusetts Association for Community Action (MASSCAP) to provide
118 training and technical assistance to community action agencies operating in Massachusetts.

119 There shall be a separate fund to be known as the Community Action Trust Fund to
120 Address Inequality, Promote Opportunity, and End Poverty which shall be sited within the
121 Department of Housing and Community Development. The Department shall administer the
122 fund, according to guidelines promulgated by the Department and in consultation with the
123 advisory committee. The fund shall assist in the creation of projects to assist low income
124 individuals and families in the commonwealth out of poverty, for the benefit of households
125 whose incomes are not more than 200 per cent of the federal poverty level as determined by the
126 federal Department of Health and Human Services. The fund shall be an expendable trust fund
127 and shall not be subject to appropriation.

128 There shall be credited to the fund, revenue from appropriations or other monies
129 authorized by the general court and specifically designated to be credited to the fund and other
130 monies may be utilized, including gifts, grants, private contributions, and all other sources.
131 Money remaining in the fund at the end of a fiscal year shall not revert to the general fund.

132 The agency shall maintain the fund as a separate fund, and shall cause it to be audited by
133 an independent accountant on an annual basis in accordance with accepted accounting principles.

134 The agency shall administer assistance from the fund using only the criteria set forth
135 under this chapter for projects sponsored by MASSCAP or Community Action Agencies. The
136 Department may enter into agreements with MASSCAP or Community Action Agencies to
137 administer assistance from the fund for projects that may be developed and implemented in
138 partnership with other nonprofit organizations, after consulting the advisory committee
139 established by this section.

140 The fund shall finance innovative community based programs and services that address
141 current and emerging needs that to have a measurable impact on alleviating the causes of
142 poverty. Activities eligible for assistance from the fund include, but are not limited to:

143 (1) Projects to assist low-income participants;

144 (2) Projects to secure and maintain meaningful employment;

145 (3) Projects to offer financial education;

146 (4) Projects to help families avoid homelessness;

147 (5) Projects to offer energy assistance and weatherization services

148 (6) Projects to offer emergency assistance to meet immediate and urgent individual and
149 family needs;

150 (7) Projects to help individuals attain an adequate education.

151 There shall be established an advisory committee to the fund, which shall make policy
152 recommendations to the department of housing and community development regarding the
153 fund's program and funding activities.

154 The committee shall be comprised of the following members: the director of the
155 Department of Housing and Community Development or his designee; the director of
156 Community Economic Development Assistance Corporation (CEDAC) or his designee; two
157 representatives appointed by the Speaker of the Massachusetts House of Representatives; two
158 representatives appointed by the President of the Massachusetts State Senate; two municipal
159 officials appointed by the Massachusetts Municipal Association, one of whom shall be from a

160 city and one of whom shall be from a town; and a representative appointed by each of the
161 following organizations: the Massachusetts Association for Community Action (MASSCAP), the
162 Massachusetts Energy Directors Association (MEDA), the Massachusetts Head Start Association
163 (MHSA). Committee members shall serve at the pleasure of the appointing authorities.

164 The department of housing and community development on annual basis shall file a
165 report with the Executive Office of Administration and Finance, the House Committee on Ways
166 and Means, and the Senate Committee on Ways and Means which will detail all expenditures
167 from the fund, including but not limited to the recipient of the funds, the cost of administration,
168 and the number of low-income families and individuals assisted by the fund.

169 The commonwealth, acting by and through the director, may enter into contracts with
170 community action agencies, and such other organizations as the director determines, to provide
171 services consistent with the purposes of this section. Any such agency shall comply with such
172 requirements as the director may establish by regulation or otherwise, including, but not limited
173 to, reporting and monitoring requirements, and evaluation procedures, and, in the case of
174 community action agencies, procedures for the designation and the suspension or rescision of
175 designation as a community action agency. Procedures for the suspension or rescision of
176 designation as a community action agency shall include adequate notice and an opportunity for a
177 hearing.

178 The director may designate an agency as a community action agency to serve a
179 previously unserved area, if the director finds that: there are sufficient additional community
180 services block grant funds appropriated to provide for the addition and continuing operation of

181 such agency, and that such agency will serve an area having a population in excess of seventy-
182 five thousand and a density of poverty which exceeds seven per cent.

183 The provisions of this section shall be applicable to the awarding of contracts by the
184 director under the federal community services block grant program. Not less than ninety per cent
185 of the total of any such community services block grant funds received by the commonwealth
186 during any fiscal federal year shall be contracted directly with community action agencies in
187 existence at the beginning of such fiscal year. Not more than five per cent of the total of any such
188 community services block grant funds received by the commonwealth shall be allocated to the
189 director for administrative expenses. Not more than five per cent of the total of any such
190 community services block grant funds received by the commonwealth, at least fifty percent of
191 which, shall be awarded by the director for innovative anti-poverty projects or programs operated
192 by MASSCAP or community action agencies.

193 The commonwealth, acting by and through the director, may, subject to appropriation,
194 provide supplementary funds to community action agencies in accordance with the provisions of
195 this section.

196 Recognition of a community action agency by the director shall not preclude the agency
197 from receiving other grants or contracts from federal or local agencies, private organizations, or
198 individuals or state agencies to pay the cost of providing services to the poor.