

# Main Provisions in the Senate Welfare Bill, S. 1806

Deborah Harris\*

Highest concern items highlighted in yellow.

Other very high concern items highlighted in blue.

Provisions of Concern	
<b><i>Narrowing of exemptions from time limit and work requirement for persons with disabilities, caring for a disabled family member, pregnant women &amp; seniors</i></b>	
<b>DTA authority to narrow disability exemption standard (§ 14)</b>	The bill as passed would give DTA the discretion to narrow the disability exemption standard or continue to apply its current rules for disability (§ 14). <i>If DTA (or a later Administration) changes the rules, about 4,500 disabled parents would be subject to the work requirement and time limits and potential loss of all TAFDC for themselves and their children.</i>
<b>New requirements for exemption based on caring for a disabled person (§ 14)</b>	Parents seeking an exemption from work requirements and time limits based on caring for a disabled child or spouse must apply for SSI for the disabled person (§ 14), whether or not doing so is in the best interests of the disabled person.
<b>Limits on exemption for pregnant women (§ 15)</b>	The exemption from work requirements for pregnancy is limited to the 33rd week of pregnancy (§ 15) instead of the third trimester as under current law.  <i>There is no evidence that pregnant women quit a job to go on welfare unless they have to. The rule would deny benefits to unemployed pregnant women in their last months of pregnancy even though no one will hire them, increasing the risk of homelessness and damage to the baby.</i>
<b>Exemption for seniors narrowed (§ 17)</b>	The exemption from work requirements and time limits for seniors is changed from age 60 to age 66 with exceptions for seniors who retired before applying for benefits (§ 17). <i>The change adds further complexity to the administration of the program and puts a new burden on older recipients who have even more difficulty getting work than younger recipients.</i>

\* Mass. Law Reform Institute, [dharris@mlri.org](mailto:dharris@mlri.org), 617-357-0700 x 313

**Job search, employment plan, & time limit extension provisions of particular concern**

<p><b>Job search for applicants (§ 8, § 9)</b></p>	<p>Applicants for benefits who have not been determined to meet an exemption and are not already in education or training or a substance abuse program must participate in a Commonwealth Corporation “job diversion” program, but benefits cannot be denied while an applicant is awaiting a placement (§ 8). In addition, non-exempt applicants who do not have good cause for not participating must do job search as a condition of eligibility and must verify the job search by recording contacts with a number of employers to be determined by DTA (§ 9).</p> <p><b>Applicants who do not meet the job search requirements will not be approved for benefits.</b></p> <p>The bill says the requirement can be met by providing proof of job search at a career center (§ 9), but the career centers do not have the staff to provide that type of proof. <i>No assistance is provided for job search except for those applicants referred to the Commonwealth Corp. “job diversion” program.</i></p> <p><i>The applicant job search requirements do not take into account applicants whose exemption status has not been determined (such as those exempt on the basis of disability or caring for a disabled family member), those with cognitive impairments who may have difficulty keeping a log, those who do not have a phone or internet access, and homeless applicants, including those in shelter who must comply with housing search and work requirements as a condition of shelter.</i></p>
<p><b>Job search for recipients (§9)</b></p>	<p>Recipients who are meeting their work requirement through job search must provide <i>weekly proof</i> of job search (§9). The bill says the requirement can be met by providing proof of job search at a career center (§ 9), but the career centers do not have the staff to provide that type of proof.</p> <p><i>Given DTA’s staff shortages and technology limitations, it seems unlikely that a weekly documentation requirement is workable.</i></p>

<p><b>Compliance with a previous plan as a condition of re-eligibility (§ 9)</b></p>	<p>DTA must develop an economic independence plan for each recipient – including those who are exempt from work requirements and time limits because of disability or another reason – during the first 24 months the recipient receives benefits (§ 9). If the case closes and the recipient reapplies after receiving benefits for 24 months she cannot get benefits unless she can show that she complied with the plan while the case was closed as well as when she previously received benefits (§ 9).</p> <p>This applies to recipients who are not subject to the time limit as well as those who are subject to the time limit. <i>If the case closes for a procedural reason, benefits will not be paid for the parent unless she can show compliance. We have no objection to requiring an economic independence plan for each recipient, but the bill does not assure that the plans are tailored to the recipient or that services will be provided to enable recipients to meet the goals in the plan. The bill does not provide for a person trained in doing assessments to develop the plans and does not require that the plans be based on an assessment of the individual’s skills, work experience, education and barriers to employment.</i></p>
<p><b>Time limit extensions limited to 3 months and supported by written central office decision (§ 16, § 15A)</b></p>	<p>Current practice already limits time limit extensions to 3 months at a time, Senate leadership said that the intent was to codify that practice, but the bill does not expressly allow for further extensions (§ 16). The short extensions in current practice and the bill make it very hard for families to plan ahead.</p> <p>The bill would allow only the commissioner, a deputy, or assistant commissioner to write the extension decision (§ 15A). The Commissioner is currently reviewing all extension recommendations, but requiring one of the specified officials to write all the decisions may not be the most efficient system in the future.</p>
<p><b><i>Other provisions of concern</i></b></p>	
<p><b>Learnfare expansion (§ 19)</b></p>	<p>School attendance requirements are extended to older teenagers (up to age 16) (§ 19). Current law requires school attendance verification for children under age 14.</p> <p><i>There is no evidence that Learnfare helps keep kids in school. The bill would give teens power over their parents because the teen can threaten to cut school if the parent doesn’t do what the teen wants. “Behavioral” requirements for TAFDC recipients and their children detract from DTA’s main mission of promoting financial stability and self-support.</i></p>
<p><b>Photo ID (§ 5, § 30, § 32)</b></p>	<p>Photo ID provision included in Supp. Budget. <i>Photo ID is expensive (estimated \$5 million or more with additional costs each year) and would undo years of modernizing the program to allow on-line SNAP applications and simplified applications at Social Security offices.</i></p>

<p><b>Verification (§ 6, § 7, § 8, § 9)</b></p>	<p>Self-declarations for TAFDC must be made under penalties of perjury and if possible should not be the sole verification of an eligibility factor (§ 6). The bill appears to recognize that sometimes the only verification is the recipient’s statement. For example, recipients who are paid in cash may have no other way to verify their earnings.</p> <p><b>Work participation forms must be signed under penalties of perjury (§ 7), which may deter nonprofit community service and education and training providers from signing work participation forms.</b></p> <p>Applicants and recipients for cash assistance must provide their Social Security number within 3 months, except for noncitizens who have a status that is eligible under DTA regulations (§ 8). It is to be hoped that the SSN requirement can be met, as it should be now, by data exchange between DTA and the Social Security Administration.</p> <p>Applicants who do provide information about citizenship or immigration status and are not eligible for themselves must provide proof of income and assets (§ 9). This should not change current practice, provided the verification requirements are reasonable.</p>
<p><b>Absences from Massachusetts (§ 3A, § 9)</b></p>	<p>A temporary absence of more than 30 days creates a rebuttable presumption that a cash assistance recipient is no longer a resident of Massachusetts (§ 9). Current regulations allow an absence of up to 60 days; <i>there is no evidence that a shorter time period is needed to assure program integrity.</i></p>
<p><b>“High risk” clients (§ 5)</b></p>	<p>Recipients who use cash assistance outside Massachusetts or a border state trigger a review to be sure the recipient is fully compliant with all rules (§ 5).</p> <p><i>This may unconstitutionally interfere with interstate commerce and unconstitutionally burden the right to travel.</i></p>
<p><b>Cash benefits cannot be used to purchase televisions, stereos, video games and consoles at rent-to-own stores (§ 4A)</b></p>	<p>Adding to the already lengthy list of items for which cash benefits may not be used adds to the burden of administration, since workers have even more to explain to clients and more information needs to go in brochures and notices, creating information overload and making it less likely that workers and clients can focus on the main priorities of the program.</p>
<p><b>Sex offender registration (§ 27C)</b></p>	<p>The bill prohibits benefits to persons required to register as sex offenders who have not registered (§ 27C). It is not clear how DTA will know that someone is an unregistered sex offender.</p>
<p><b>Non-citizen eligibility for public housing (§ 27E)</b></p>	<p>The bill would bar families from state public housing if any member does not meet a narrow list of non-citizen statuses. This would result in families with citizen children being forced to leave public housing. The Senate rejected a similar provision in the Housing Bond Bill on July 30, 2013. (This most definitely should not be included in a bill. It is not prioritized because it is extraneous to a welfare bill.)</p>
<p><b>Temporary absences from subsidized housing (§ 10)</b></p>	<p>Tenants of subsidized housing who leave the Commonwealth for more than 30 days are presumed to have abandoned their Massachusetts residency and would lose their eligibility for a housing subsidy unless they can rebut the presumption of non-residency (§ 10). Housing authorities already have the power to act if rent is not paid so eligibility for housing of non-residents of the state does not seem to be a real issue.</p>

<b>Reports (§ 3)</b>	Periodic reports required on exemptions and extensions granted and reasons for extension requests including “how the recipient failed to meet the recipient’s economic independence goals,” duration of benefits, referrals to the program integrity division (but no report required on how many of the referrals were determined not to be fraud), and receipt of benefits by eligible noncitizens. While in general we support transparency, these reports seem intended to feed press attacks on the program.
<b>Generally Positive Provisions</b>	
<b>Asset and income improvements</b>	
<b>Easing the car rule (§ 12)</b>	TAFDC recipients can own a “non-luxury vehicle” worth \$15,000 or less. The excess counts towards the \$2,500 asset limit which is unchanged. The Commissioner can waive the counting of the excess (§ 12). The original bill allowed one vehicle per household. Studies show that welfare recipients very rarely own high value cars. <i>The change adds unnecessary administrative complexity to prevent recipients from having cars they were not going to have anyway.</i>  Current rules count equity value over \$5,000 and market value over \$10,000.
<b>Increasing the work expense deduction (§ 8)</b>	The bill would increase the work expense deduction to \$150 a month (§ 8).  Current rules allow a deduction of \$90 for all work expenses, taxes, and other mandatory deductions. Actual expenses for low income workers are between \$300- \$500 a month.  <i>The provision is a small step to support paid work but because of the way benefits are calculated, the increase in the deduction will increase benefits for most employed recipients by only \$30 a month.</i>
<b>Allowing recipients to set aside money (§ 9)</b>	Recipients can set aside money in asset account which then does not count against the \$2,500 asset limit. Recipients can withdraw the money only for purposes allowed by DTA.  Senate leaders said that recipients could also put personal injury awards and similar payments in the asset account but rejected an amendment to specify that. Currently those payments cause recipients to be disqualified for months or even years, long after the money is spent.  <i>Few recipients can save money out of their grants (average \$456 a month) or other very small amounts of income and it would be rare for a recipient to save enough to go over the asset limit of \$2,500 so it is not clear how much this provision would do unless damage awards and similar payments can be put in the accounts.</i>

<b>Education and training improvements</b>	
<b>DTA authority to allow education and training for more than 12 months (§ 17A)</b>	Current rules allow education or training to count towards the work requirement for no more than 12 months. The bill would allow DTA to grant extensions to complete a certificate or degree program if the recipient is making substantial progress (§ 17a).
<b>\$5 million in new funding for the Commonwealth Corp to administer a “full employment program” (§ 2A, item 4400—1979,0020 § 18)</b>	<p>The Commonwealth Corporation, a Massachusetts business that develops workforce programs in partnership with businesses, educators, and providers, shall develop and administer a “full employment program” to match work required recipients with jobs (§ 18). For those who cannot be matched with a job, Commonwealth Corp. shall identify, refer to, and if necessary develop appropriate education and training programs (§ 18).</p> <p><i>The Commonwealth Corp. does not typically administer programs but it does design and monitor programs. We assume it could contract out the actual running of the program to other providers.</i></p> <p><i>It is not clear the additional funding would be in addition to existing DTA employment services or would substitute for those services.</i></p> <p><i>It would likely cost at least \$5 M (or more) to contract out a job search program for TAFDC recipients who are subject to the work requirement, likely leaving nothing to work with employers to develop jobs for recipients or provide education and training for recipients who cannot be placed in a job.</i></p> <p><b>Up to \$6 million additional funding is set aside for the “full employment program” from SNAP performance bonuses (§2A, item 4400-1980).</b> <i>There is no assurance that Massachusetts will qualify for a bonus or how much the state might receive. The Federal Farm bill might eliminate these bonuses in part because of Congressional concern that states are using the money for programs other than SNAP, as S. 1806 proposes.</i></p>
<b>Pregnant teens can live in teen living program throughout pregnancy (§ 27, § 2)</b>	Under current law, pregnant teens(with no children) are not eligible for TAFDC until their third trimester and also not eligible for a teen living program. The change allows pregnant teens to live in a teen living program (and receive cash assistance to help pay for the program) for the entire pregnancy provided the teen meets school attendance requirements. \$500,000 additional funding is provided for teen living programs (§ 2, item 4403-2119).
<b>Required financial literacy education (§ 27D)</b>	<p>Subject to appropriation, DTA must require recipients to participate in financial education (§ 27D).</p> <p><i>The bill does not appropriate money for financial education, for transportation to programs, or for child care to enable parents to participate. <b>Given all the other activities required of recipients including 30 hours a week of work for some recipients and compliance with re-housing plans for families in shelter, and the difficulty recipients have getting to a DTA office, financial literacy education should NOT be mandatory.</b></i></p>

<p><b>Evaluation of training and employment services programs (§ 8, § 23, § 27A)</b></p>	<p>Individuals served by DTA programs must be tracked for at least one year after transitioning into employment (§ 8). 10 % of funds spent on employment training and services must be reserved for external evaluation (§ 3). It is not clear how much that would be.</p> <p><i>However, \$200,000 is taken from the already severely underfunded employment service program account, 4401-1000, to evaluate the Commonwealth Corp. programs (§ 23). It is not clear if this is in addition to the amount reserved.</i></p> <p>Reports shall be made public on the General Court’s website (§ 27A).</p>
<p><b>Staffing and technology improvements</b></p>	
<p><b>Caseloads and staffing (§ 2, § 8, § 4, § 22)</b></p>	<p>\$2.9 million in additional funding is provided for 50 additional workers (§ 2, item 4400-1100, § 22). DTA must ensure that a cash assistance recipient can reach a caseworker by phone during normal business hours (§ 8).</p> <p>DTA must designate specialists with caseloads of no more than 60 recipients to work with teen parents and may use specialists to work with other recipients DTA determines to need specialized assistance to achieve economic independence (§ 4).</p>
<p><b>Technology (§ 25)</b></p>	<p>DTA is required to have a plan to use technology to reduce paper records (§ 25), <i>but no new money is provided for this.</i></p>
<p><b>Other possibly helpful provisions</b></p>	
<p><b>Family cap extraordinary circumstances exceptions (§ 11)</b></p>	<p>Current welfare law authorizes DTA to grant exceptions to the family cap in “extraordinary circumstances.” The bill requires DTA to develop criteria for approving exceptions or waivers to the family cap for extraordinary circumstances (§ 11).</p> <p><i>Currently, there is no way for recipients to find out what sort of circumstances DTA considers extraordinary, so having some publicly available guidance could be helpful, but “criteria” may not be appropriate since “extraordinary circumstances” are by definition difficult to specify and anticipate.</i></p>
<p><b>Returned mail (§ 3A)</b></p>	<p>DTA must terminate benefits if certified mail is returned but must first try to determine the recipient’s address. Currently, DTA is terminating benefits based on returned mail from bulk mailings (rather than full price or certified mail) that have a high rate of returns even when the addressee has not moved. The requirement that DTA attempt to determine the address before terminating is particularly positive.</p>
<p><b>Implementing regulations (§ 5A, § 31)</b></p>	<p>DTA must issue regulations to implement the Act (§ 31).</p> <p>DTA must issue proposed regulations implementing changes 60 days before promulgating them (§ 5A).</p>