

## **Summary of Key Provisions of Senate 1805: An Act to Foster Economic Independence (REVISED with Bill Section Numbers)**

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The bill's main goal is to connect TAFDC applicants and recipients with paid full time jobs. DTA would enter into an agreement with the Commonwealth Corporation to develop the Full Employment Program to this end. Additionally, in order to ensure appropriate training for those not initially able to participate in the Full Employment Program, the Commonwealth Corporation is to work with community colleges, vocational schools, one-stop career centers, adult basic education programs and other workforce training programs to identify and develop, if necessary, programs and resources and to refer recipients to them.

These are critically important goals; however it is also critical to ensure that the TAFDC safety net remains intact and accessible when paid work is not available or not possible until serious barriers to employment are addressed.

The bill also addresses program integrity in DTA's cash assistance and SNAP programs; however, DTA should be required to use only strategies that are cost-effective and do not undermine decades of work to modernize the SNAP program and ensure access to eligible seniors, individuals with disabilities, and working families.

**Provisions that would increase services and financial stability for TAFDC recipients.** Senate 1805 would:

- Require the Commonwealth Corporation to identify jobs and education and training (E&T) programs actually available to recipients, to refer recipients to these programs, and develop new programs and resources, if necessary (Bill §18); to evaluate the efficiencies of these E&T programs (Bill §23).
- Allow families to own one reliable car by not counting it against the TAFDC asset limit. (§12 of Bill §8)
- Increase the TAFDC work related expense deduction from gross earnings - to address payroll deductions and other costs - from \$90 to \$150 per month, which would enable newly or part-time employed recipients to keep more of the TAFDC grant. (§36 of Bill §8)
- Allow pregnant teen parents to receive TAFDC benefits and live in a teen parent shelter or teen living program during the entire pregnancy, instead of just as of the third trimester. (Bill §27)
- Allow families able to set aside any money to save it in an Economic Independence Account that would not count against the TAFDC asset limit. (§16 of Bill §9) (However, there is no provision regarding lump sums, such as due to personal injury. (Since the intent is to allow all savings possible - including lump sums, language is needed to remove the savings from lump sum ineligibility rules under §111 of Chapter 5 of the Acts of 1995, not just from the asset limit.)
- Require DTA to ensure that recipients who call during business hours can reach a caseworker. (§34 of Bill §8)
- Require DTA to designate specialists to work with teen parents and have much smaller than the average TAFDC worker's caseload. (Bill §4). (However, language does not require DTA to designate specialists to work with adults needing targeted education and training assistance.)
- Require DTA to access data hubs with other state agencies (Bill §24) and develop a plan for paperwork reduction (Bill §25). (However, funding not provided for document imaging or IT changes.)

## **Work requirements that could be harmful to needy families.** :

- TAFDC applicants and recipients are required to engage in job search (Bill §8, see below) but without any requirement that DTA do individualized assessments to identify and address barriers to employment such as language barriers, learning disabilities, illiteracy. Without assessments, families with unaddressed barriers will be denied benefits for not doing what they cannot do. Some families eligible for disability-related exemptions will fall through the cracks. *The success of S.1805 depends on providing the right programs and services to the right recipients.*
- TAFDC *applicants* must do job search before receiving benefits; and DTA must deny the application if the applicant does not meet the job search requirements. (§13(a) of Bill §9). There are no exceptions made for applicants with good cause for being unable to do the job search, nor does the language require DTA to assist the applicant with the job search process, child care or transportation. There is no provision to meet the immediate needs of a family in crisis, such as homelessness, facing eviction or utility shut off. At the time of application, most families are in financial crisis and lack the resources to engage in job search. Although S. 1805 states that job search will not be required of “exempt” applicants, as drafted this does not protect applicants eligible for a disability-related exemption such as a disabled applicant who needs to schedule a medical exam or time to secure medical documentation not available immediately.
- All non-exempt *recipients* must do continuous job search. (§13(b) of Bill §9) The intended exception for recipients who are meeting the TAFDC work requirement through another approved activity is not included in the bill. There are no exceptions made for recipients with good cause for being unable to do the required job search. This is at cross-purposes with promoting education and training participation by recipients who lack the skills needed to secure employment. As drafted, recipients would be removed from benefits if they don’t comply with whatever volume and types of job search DTA decides to require. Such sanctioning without good cause protections is unprecedented and will unjustly deprive recipients of subsistence benefits. Moreover, ongoing job search that makes it difficult or impossible for recipients to engage in other approved activities would jeopardize DTA’s ability to meet the federal TANF work participation rate requirements.
- Recipients must submit weekly, detailed, written statements that include each specific job search contact made, with no exception for recipients with limited reading and writing skills, limited English proficiency, or other barriers to providing such statements, and no provision for good cause exceptions. (§13(b) of Bill §9.) Since verifications sent by mail or fax are so often lost or unacknowledged by DTA, many recipients go to the office to assure DTA gets the verification they submit. Weekly, rather than monthly, verification and trips to DTA are undue logistical and financial hardship for recipients and an unnecessary paperwork burden for DTA.
- Recipients are under the job search requirements immediately - prior to implementation of job matching and identification of education, training, and other resources. There is no timetable for DTA and the Commonwealth Corporation to deliver these, either in connection with diverting applicants directly into jobs or implementing the new Full Employment Program (FEP) created under Bill §§8 and 18. Until and unless job matching and FEP are provided, recipients will be left to carry out job search without services, regardless of how unrealistic it is that most, let alone all, recipients will be able to secure jobs.
- DTA must require education and training providers to verify work participation of a recipient attendance under penalty of perjury (Bill §7), whether or not the participation information is questionable or could be directly verified by DTA. Organizations providing community service placements and training providers are unlikely to sign documents that could subject them or their staff to possible criminal prosecution by the Commonwealth.

- Funding for education, training, and job search services is extremely inadequate. (Bill § 2A). The \$6M provided in the bill for additional funding is to be provided through a retained revenue account from USDA bonus awards, which source may be eliminated in the 2013 Federal Farm Bill deliberations. If they are not eliminated, the amounts available will be unpredictable.

**Provisions that could harm needy families unable to work and increase homelessness.**

- Disability exemptions from the TAFDC work requirements and time limits are narrowed so that only a disability that meets the federal SSI standards qualifies, without regard for whether the disability nevertheless renders the parent unable to get or hold down a full time job. (Bill §14) The UMass Medical Disability Evaluation Service (DES) currently provides a rigorous evaluation of disability under appropriate disability standards. Persons with psychological impairments, PTSD or other impairments may not meet SSI standards but nevertheless unable to work and support a family.
- Parents seeking an exemption for a disabled child must apply for SSI for that child as condition of a caretaker exemption from the time limits or work requirements. (Bill §14) This could operate as a procedural barrier for many parents and for dependents categorically ineligible for SSI.
- Eligibility for an exemption based on pregnancy is limited to the 33rd week or later, rather than the 3rd trimester unless there is medically verified condition that prevents work. (Bill §15) If the expecting mother is unemployed, she then will be required to do job search, even though it is extremely unlikely she'd be hired by any employer to start a job in her third trimester.
- Learnfare school attendance rules for children under age 16 would be imposed as a condition of retaining state and local public and subsidized housing. (Bill §10) In addition to reduced TAFDC benefits, families in which a teenager has too many absences would be evicted and become homeless, with even less income to pay for housing.
- TAFDC Learnfare is expanded to include older teenagers (up to age 16), which then leaves families vulnerable to loss of benefits based on the teen's absences. (Bill §19) Single parents required to complete a 30 hour work and job search requirements are at a great disadvantage in being able to prevent or address a teen's absences.

**Provisions that would harm seniors, persons with disabilities and low income families:**

- Self-declarations by all DTA applicants and recipients must be signed under penalty of perjury and always be supplemented by other documentation. (Bill §6) This could cause tremendous hardship for families, seniors or persons with disabilities who may have no control over third parties unwilling to cooperate. Some employers who fail to pay FICA or income tax often refuse to provide wage stubs or respond to requests for verification of earnings. Families or elder/disabled persons in doubled up apartments may not be known to landlords who would evict them rather than verify rental payments.
- DTA must implement a universal EBT photo ID requirement for all SNAP and cash households including seniors, persons with disabilities and working families and all household members over age 18, retailers would be required to card all EBT card holders. (Bill § 5 and §30) This would undo years of work done modernizing the program, including allowing non-cash applicants to apply for SNAP on-line, simplified applications for seniors or through the Social Security Administration. It would create significant disincentives for seniors and working families targeted for SNAP outreach to apply. Massachusetts would be the only state in the U.S. with a SNAP EBT photo ID.

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