

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1392 Session of  
1989

INTRODUCED BY WAMBACH, OLIVER, McCALL, O'DONNELL, LAUGHLIN,  
MELIO, ANGSTADT, DININNI, MAINE, MARSICO, TIGUE, PRESTON,  
ROEBUCK, D. W. SNYDER, EVANS, WILLIAMS, PICCOLA, JAMES,  
DONATUCCI, NOYE, THOMAS, RYBAK, BISHOP, TRICH, FREEMAN,  
RITTER, PRESSMANN, MOWERY, NAILOR, CAWLEY, JAROLIN, BELARDI,  
STISH, CORRIGAN, KOSINSKI, ROBINSON AND KASUNIC, MAY 2, 1989

AS REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, MAY 22, 1989

## AN ACT

1 Amending the act of July 10, 1986 (P.L.1263, No.116), entitled  
2 "An act providing for a community services block grant  
3 program; and further providing for powers and duties of the  
4 Department of Community Affairs," further providing for  
5 community action agencies and the board, for funding  
6 eligibility for block grants, for apportionment of  
7 appropriations, and for monitoring and remedies for block  
8 grant contracts; AND EXTENDING THE SUNSET PROVISION. <—

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Sections 2, 4, 5(c), 6(a), ~~7 and 9~~ 7, 9 AND 11 of <—  
12 the act of July 10, 1986 (P.L.1263, No.116), known as the  
13 Community Services Act, are amended to read:

14 Section 2. Declaration of policy.

15 The General Assembly finds and declares as follows:

16 (1) It is the intention of the General Assembly as a  
17 matter of public policy to affirm the commitment of the  
18 Commonwealth to ameliorating the causes and effect of poverty

1 by:

2 (i) Providing a range of services and activities  
3 having a measurable and potentially major impact on the  
4 causes of poverty in the community and establishing  
5 grants for organizations providing services to migrant  
6 and seasonal farmworkers.

7 (ii) Encouraging and supporting a holistic approach  
8 designed to move low-income families and individuals  
9 towards self sufficiency.

10 [(ii)] (iii) Providing activities designed to assist  
11 low-income participants in obtaining employment,  
12 education, housing, emergency assistance, transportation  
13 and other necessities.

14 [(iii)] (iv) Providing, on an emergency basis, for  
15 the provision of such supplies and services, nutritious  
16 foodstuffs and related services as may be necessary to  
17 counteract conditions of starvation and malnutrition  
18 among the poor.

19 [(iv)] (v) Coordinating and establishing linkages  
20 between governmental and other social service programs to  
21 assure the effective delivery of services to low-income  
22 individuals.

23 [(v)] (vi) Encouraging the use of entities in the  
24 private sector in efforts to ameliorate poverty in the  
25 community.

26 (2) It is also the intention of the General Assembly to  
27 stimulate a better focusing of human and financial resources  
28 on the goal of eliminating poverty by providing for the  
29 continuity of programs which presently exist throughout this  
30 Commonwealth for this stated purpose.

1           (3) By so doing, it is the intention of the General  
2       Assembly to set forth the policies which shall govern the  
3       administration of the community services block grant or  
4       subsequent funding mechanisms established for similar  
5       purposes. This block grant was created by the Omnibus Budget  
6       Reconciliation Act of 1981 (Public Law 97-35, 95 Stat. 357)  
7       and follows the provisions defined in that act.

8       Section 4. Eligibility for community services block grant funds  
9                               and designation of community action agencies.

10       (a) Community action agency receives block grants.--Each  
11       county and first and second class city within this Commonwealth  
12       to receive funds under this act shall have a community action  
13       agency designated to receive community services block grant  
14       funds. These community action agencies may be an arm of the  
15       designating unit of government or [nonprofit private community  
16       organization] other eligible entity, constituted so that one-  
17       third of the members of the board of directors are elected  
18       public officials currently holding offices or their  
19       representatives, except that, if the number of elected officials  
20       reasonably available and willing to serve is less than one-third  
21       of the board membership, membership on the board of appointive  
22       officials may be counted in meeting such one-third requirement;  
23       at least one-third are persons chosen in accordance with  
24       democratic selection procedures adequate to assure that they are  
25       representative of the poor in the area served; and the remainder  
26       of the members are officials or members of business, industry,  
27       labor, religious, welfare, education or other major groups and  
28       interests in the community.

29       (b) Present agencies included for eligibility.--This  
30       designation includes all present community action agencies and

1 other eligible entities established under the Omnibus Budget  
2 Reconciliation Act of 1981 (Public Law 97-35, 95 Stat. 357). In  
3 counties and first and second class cities where there is no  
4 community action agency, the department shall provide services  
5 through another eligible agency which shall receive community  
6 service block grant funds specifically for this purpose.

7 Section 5. Community action agencies and board.

8 \* \* \*

9 (c) Prohibition of activities.--[No community action agency  
10 or limited purpose agency receiving funds pursuant to this act  
11 may engage in organized political activity, including, but not  
12 limited to, endorsement of candidates for public office,  
13 political fundraising or provide similar assistance in  
14 connection with an election; nor shall funds received pursuant  
15 to this act be expended for providing transportation of voters  
16 to the polls on a nonpartisan basis, any nonpartisan voter  
17 registration activity or lobbying efforts at the local, State or  
18 Federal level.] No community action agency or limited purpose  
19 agency may use community service block grant funds for political  
20 activities or activities to provide voters and prospective  
21 voters with transportation to the polls or provide similar  
22 assistance in connection with an election or any voter  
23 registration activity.

24 Section 6. Financial assistance for community services block  
25 grant program.

26 (a) Apportionment of appropriations.--To help meet the  
27 department's objective of establishing community action agencies  
28 to provide services to all counties within this Commonwealth,  
29 the sum appropriated under the community services block grant  
30 shall be distributed as follows:

1 (1) No greater than 5% shall be allotted to the  
2 department for the administration of program operations.

3 (2) No less than 5% may be allotted, at the discretion  
4 of the secretary, for a range of activities, including the  
5 funding of community food and nutrition programs in a manner  
6 consistent with this act.

7 (3) Of the remaining 90%, no greater than 5% may be  
8 allotted to establish community action agencies in those areas  
9 currently unserved; no less than 85% shall be reserved for  
10 existing community action agencies and other eligible  
11 entities as defined in section 3.

12 (4) A formula basis shall be established for the  
13 distribution of funds reserved for community action agencies.  
14 The formula shall include consideration of the number of  
15 persons below the poverty level and the number of persons  
16 unemployed, as determined annually by the United States  
17 Department of Labor, and shall include a minimum funding  
18 level of community services block grant funds for existing  
19 community action agencies meeting the requirements of the  
20 Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35,  
21 95 Stat. 357) and a Statewide migrant and seasonal  
22 farmworkers' organization approved by the secretary.

23 (5) A minimum funding level of only community service  
24 block grant funds shall be set at \$150,000.

25 (6) [In the event Federal funds are insufficient to meet  
26 the minimum funding levels,] As established by the formula  
27 under this section, the determination of annual funding  
28 levels shall be made by the secretary based on input from the  
29 local agencies and the Community Services Block Grant  
30 Advisory Task Force.

1       \* \* \*

2       Section 7.   Monitoring of community action agency.

3       (a)   Monitoring procedures.--It shall be the policy of the  
4   department to monitor the community action agencies to assure  
5   compliance with all contractual obligations and to assess the  
6   effectiveness of local agencies in meeting the objectives of  
7   this act as outlined in section 2 and to assess the impact of  
8   Statewide priorities on local services. Monitoring procedures  
9   shall be established annually by the department and published as  
10   part of the State plan.

11       (b)   Onsite visits.--If determined to be necessary by the  
12   department, the department may conduct an agency onsite visit.  
13   The department may conduct an onsite visit to clarify  
14   discrepancies that may result from monitoring procedures, review  
15   agency records regarding programs funded pursuant to this act,  
16   interview agency personnel and board members and interview  
17   agency constituents and other local human services agencies.

18       (c)   Preparation of report.--The department shall prepare a  
19   report, using the findings of the monitoring procedures and  
20   onsite visits, if conducted, which identifies agency strengths  
21   and weaknesses and any required remedial actions. A copy of the  
22   report shall be forwarded by [certified] mail to the community  
23   action agency. The agency may request a conference with the  
24   department to discuss the report.

25       Section 9.   Remedies.

26       (a)   Notice of discrepancy or violation.--If a discrepancy or  
27   violation of this act is discovered through monitoring and  
28   auditing activities of the department, the department shall  
29   notify the community action agency of the discrepancy or  
30   violation immediately by certified mail.

1 (b) Agency response.--The agency shall respond to the  
2 department's notice of discrepancy or violation within two weeks  
3 of receipt of said notice by written correspondence to, or by  
4 requesting a meeting with, the department to negotiate or  
5 clarify facts.

6 (c) Agency noncompliance.--If the community action agency is  
7 found to have been in noncompliance with the provisions of this  
8 act, the department shall have the power to do any of the  
9 following:

10 (1) [Demand that the community action agency comply with  
11 this act.] Require appropriate corrective measures and  
12 provide technical assistance to assist in implementing them.

13 (2) Place the community action agency on probation until  
14 the agency complies with this act.

15 (d) Agency violation.--Notwithstanding subsection (b), if  
16 the department determines that a violation has occurred with  
17 willful disregard for this act, the department may do any of the  
18 following:

19 (1) Suspend the [operation of the community action  
20 agency] community service block grant contract for a  
21 designated period of time. The agency must then rectify the  
22 violation and reestablish itself as competent as determined  
23 by the department to carry out those responsibilities  
24 enumerated in this statute for a community action agency.

25 (2) Close out the [operation of the community action  
26 agency] community service block grant contract through the  
27 process of defunding, in accordance with Federal law and  
28 regulations. If closeout is approved by the secretary, a  
29 minimum of 30 days' notice shall be given to the agency. The  
30 department shall oversee agency equipment inventory transfer

1 to other agencies.

2 (e) Right of appeal.--The community action agency shall, at  
3 all times, retain the right to appeal any departmental  
4 adjudications concerning this program as otherwise provided by  
5 law.

6 SECTION 11. EXPIRATION.

<—

7 THIS ACT SHALL EXPIRE [IN THREE YEARS] DECEMBER 31, 1992  
8 UNLESS EXTENDED BY STATUTE.

9 Section 2. This act shall take effect immediately.