

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 642

Session of
1985

INTRODUCED BY O'CONNELL, ZEMPRELLI, SALVATORE, BRIGHTBILL,
LOEPER, MELLOW, FUMO, LYNCH, STAPLETON AND ANDREZESKI,
MARCH 27, 1985

REFERRED TO LOCAL GOVERNMENT, MARCH 27, 1985

AN ACT

1 Providing for a community services block grant program; and
2 further providing for powers and duties of the Department of
3 Community Affairs.

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18 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Short title.

3 This act shall be known and may be cited as the Community
4 Services Act.

5 Section 2. Declaration of policy.

6 The General Assembly finds and declares as follows:

7 (1) It is the intention of the General Assembly as a
8 matter of public policy to affirm the commitment of the
9 Commonwealth to ameliorating the causes and effect of poverty
10 by:

11 (i) Providing a range of services and activities
12 having a measurable and potentially major impact on the
13 causes of poverty in the community and establishing
14 grants for organizations providing services to migrant
15 and seasonal farmworkers.

16 (ii) Providing activities designed to assist low-
17 income participants in obtaining employment, education,
18 housing, emergency assistance, transportation and other
19 necessities.

20 (iii) Providing, on an emergency basis, for the
21 provision of such supplies and services, nutritious
22 foodstuffs and related services as may be necessary to
23 counteract conditions of starvation and malnutrition
24 among the poor.

25 (iv) Coordinating and establishing linkages between
26 governmental and other social service programs to assure
27 the effective delivery of services to low-income
28 individuals.

29 (v) Encouraging the use of entities in the private
30 sector in efforts to ameliorate poverty in the community.

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

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

13 Section 3. Definitions.

14 The following words and phrases when used in this act shall
15 have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Community action agency." Any organization which was
18 officially designated by county commissioners or mayors as such
19 under the Omnibus Budget Reconciliation Act of 1981 (Public Law
20 97-35, 95 Stat. 357) or established pursuant to this act, whose
21 structure and functions are further defined in sections 4 and 5.

22 "Community services block grant." A program authorized by
23 the Omnibus Budget Reconciliation Act of 1981 which follows the
24 provision defined in Title XVII, Subtitle C, Chapter 2, which is
25 intended to be used by the Commonwealth for programs to
26 ameliorate the causes and effects of poverty.

27 "Department." The Department of Community Affairs of the
28 Commonwealth, or the designated agency responsible for the
29 administration of community service block grant funds.

30 "Department desk analysis." A review of all records

1 regarding a community services block grant limited to those
2 maintained by the department.

3 "Eligible entity." Any agency or organization designated in
4 the Omnibus Budget Reconciliation Act of 1981 as an eligible
5 recipient of community services block grant funds, including a
6 limited purpose agency and a Statewide migrant and seasonal
7 farmworkers' organization.

8 "Limited purpose agency." An agency that was funded under
9 Title II of the Economic Opportunity Act of 1964 (Public Law 88-
10 452, 78 Stat. 508) for a limited functional or geographical
11 purpose and recognized as a community action program under the
12 Omnibus Budget Reconciliation Act of 1981.

13 "Secretary." The Secretary of Community Affairs of the
14 Commonwealth, or the designated individual responsible for the
15 administration of community service block grant funds.

16 "Statewide migrant and seasonal farmworkers' organization."
17 An organization established as a private not-for-profit
18 corporation that is administered by a board of directors
19 comprised of at least 51% farmworkers, elected annually.

20 Section 4. Eligibility for community services block grant funds
21 and designation of community action agencies.

22 (a) Community action agency receives block grants.--Each
23 county and first and second class city within this Commonwealth
24 to receive funds under this act shall have a community action
25 agency designated to receive community services block grant
26 funds. These community action agencies may be an arm of the
27 designating unit of government or nonprofit private community
28 organization, constituted so that one-third of the members of
29 the board of directors are elected public officials currently
30 holding offices or their representatives, one-third are elected

1 by a democratic process to represent the poor residing in the
2 geographic area served, and the remaining third are
3 representatives of business, industry, labor, religion, welfare
4 or other private interests.

5 (b) Present agencies included for eligibility.--This
6 designation includes all present community action agencies and
7 other eligible entities established under the Omnibus Budget
8 Reconciliation Act of 1981 (Public Law 97-35, 95 Stat. 357). In
9 counties and first and second class cities where there is no
10 community action agency, the department shall provide services
11 through another eligible agency, which shall receive community
12 service block grant funds specifically for this purpose.

13 Section 5. Community action agencies and board.

14 (a) Powers of agency.--Each community action agency
15 designated and created pursuant to the criteria set forth in
16 section 4 shall:

17 (1) Develop and implement programs and projects designed
18 in accordance with Federal regulations established under the
19 Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35,
20 95 Stat. 357) to serve the poor or low-income areas with
21 maximum feasible participation of residents of the areas and
22 members of the groups served, so as to best stimulate and
23 take full advantage of capabilities for self-advancement and
24 assure that those programs and projects are otherwise
25 meaningful to and widely utilized by their intended
26 beneficiaries.

27 (2) Be a continuing and effective mechanism for securing
28 broad community involvement in the programs assisted under
29 this act.

30 (3) Provide effective coordination of existing community

1 action programs with other Federal and State funds provided
2 within the jurisdictional area targeted to the low-income
3 population to avoid duplication of efforts within the area.

4 (b) Functions of agency.--In exercising its powers and
5 carrying out its overall responsibility for a community action
6 program, a community action agency shall have, subject to the
7 purposes of this act, at least the following functions:

8 (1) Planning systematically for and evaluating the
9 programs, including actions to develop information as to the
10 problems and causes of poverty in the community; determining
11 how much and how effectively assistance is being provided to
12 deal with those problems and causes; and establishing
13 priorities among projects, activities and areas as needed for
14 the best and most efficient use of resources.

15 (2) Encouraging agencies engaged in activities related
16 to the community action program to plan for, secure and
17 administer assistance available under this act or from other
18 sources on a common or cooperative basis; providing planning
19 or technical assistance to those agencies; and generally, in
20 cooperation with community agencies and officials,
21 undertaking actions to improve existing efforts to attack
22 poverty, such as improving day-to-day communication, closing
23 service gaps, focusing resources on the most needy and
24 providing additional opportunities to low-income individuals
25 for regular employment or participation in the programs or
26 activities for which those community agencies and officials
27 are responsible.

28 (3) Initiating and sponsoring projects responsive to
29 needs of the poor which are not otherwise being met, with
30 particular emphasis on providing central or common services

1 that can be drawn upon by a variety of related programs;
2 developing new approaches or new types of services that can
3 be incorporated into other programs; and filling gaps pending
4 the expansion or modification of those programs.

5 (4) Establishing effective procedures by which the poor
6 and area residents concerned will be enabled to influence the
7 character of programs affecting their interests, and
8 providing technical and other support needed to enable the
9 poor and neighborhood groups to secure on their own behalf
10 available assistance from public and private sources.

11 (5) Joining with and encouraging business, labor and
12 other private groups and organizations to undertake, together
13 with public officials and agencies, activities in support of
14 the community action program which will result in the
15 additional use of private resources and capabilities, with a
16 view to such things as developing new employment
17 opportunities, stimulating investment that will have a
18 measurable impact in reducing poverty among residents of
19 areas of concentrated poverty, and providing methods by which
20 residents of those areas can work with private groups, firms
21 and institutions in seeking solutions to problems of common
22 concern.

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

25 (a) Permissible apportionment of appropriations.--From the
26 sum appropriated under the community services block grant:

27 (1) Five percent shall be allotted to the department for
28 the administration of program operations.

29 (2) No greater than 5% may be allotted at the discretion
30 of the secretary in a manner consistent with this act.

1 (3) No less than 90% shall be reserved for community
2 action agencies and other eligible entities as defined in
3 section 3.

4 (4) A formula basis shall be established for the
5 distribution of funds reserved for community action agencies.
6 The formula shall include consideration of the number of
7 persons below the poverty level and the number of persons
8 unemployed.

9 (5) A minimum funding level of community service block
10 grant funds for existing community action agencies meeting
11 the requirements of the Omnibus Budget Reconciliation Act of
12 1981 (Public Law 97-35, 95 Stat. 357) and a Statewide migrant
13 and seasonal farmworkers' organization shall be set at
14 \$150,000.

15 (b) Grant prerequisite.--The secretary shall require, as a
16 condition of assistance, that each community action agency or
17 other eligible agency designated for funding adopt a systematic
18 approach for achieving the functions stated in section 5(b) and
19 for utilizing the funds provided under this act. Such an
20 approach shall encompass a planning and implementation process
21 which seeks to identify the problems and causes of poverty in
22 the community, seeks to mobilize and coordinate relevant public
23 and private resources, establishes program priorities, links
24 program components with one another and with other relevant
25 programs and provides for evaluation.

26 (c) Local services determined by local agency.--In order to
27 promote local responsibility and initiative, all decisions
28 regarding which of the qualified services shall be provided
29 shall be established through a local planning process
30 administered by the local agency that guarantees effective input

1 from the three sectors represented on each governing board and
2 the public at large. Each local agency shall submit its plans to
3 the department for review to ensure eligibility of proposed
4 services under the provisions of the Omnibus Budget
5 Reconciliation Act of 1981.

6 Section 7. Monitoring of community action agency.

7 (a) Monitoring procedures.--It shall be the policy of the
8 department to monitor the community action agencies using a
9 common set of assessment criteria, assigning qualitative ratings
10 to agency performance, and applying the monitoring results to
11 various aspects of the department's management process. The
12 department shall perform the following procedures:

13 (1) Identify the strengths and weaknesses of department-
14 funded and related programs and activities relating to the
15 community service block grant.

16 (2) Provide the information base for rendering support
17 and assistance to agencies to improve their performance.

18 (3) Provide a basis for gauging progress of agencies in
19 fulfilling their contracted obligations with the
20 Commonwealth.

21 (4) Provide information which may point to needed policy
22 or procedural changes by the department or other related
23 State agencies.

24 (5) Provide information useful to the department in
25 making specific funding or programmatic decisions.

26 (6) Provide information useful to the department, the
27 agencies and the General Assembly.

28 (b) Specific criteria.--The department shall establish
29 specific criteria, with input from the community action agencies
30 and their constituents, in the design of its monitoring

1 instruments and procedures.

2 (c) Phases of procedure.--The monitoring procedure shall
3 consist of three interrelated phases:

4 (1) A department desk analysis of all internal records
5 on each agency. This analysis shall take place at the time of
6 the annual agency work plan evaluation.

7 (2) A local community action agency self-assessment
8 process which includes specific assessment of department-
9 funded activities. The self-assessment shall be included in
10 its annual agency work plan.

11 (3) If determined to be necessary by the department, an
12 agency onsite visit conducted by the department. The purpose
13 of the onsite visit is to clarify discrepancies that may
14 result from the department desk analysis and agency self-
15 assessment. The department may schedule an onsite visitation
16 to the specific agency to review agency records, interview
17 agency personnel and board members and interview agency
18 constituents and other local human services agencies.

19 (d) Onsite visit procedure.--When the department determines
20 a visit is necessary, the agency shall be notified in writing
21 one month in advance of the scheduled event. The postponement of
22 a scheduled visit must be agreed upon by both the agency and
23 department, at which time a new date shall be set. When a
24 cancellation is requested by either party, it shall be done in
25 writing and include the reasons for the change.

26 (e) Preparation of report.--The department shall prepare the
27 report, using the findings of the desk analysis and local agency
28 self-assessment and any additional data or other input the
29 community action agency may present. The report shall be the
30 document which identifies agency strengths and weaknesses. When

1 this report is completed, any required remedial actions and
2 timetables for implementation shall be identified and agreed
3 upon by both groups. A final conference shall be held with
4 agency representatives and copies of any appropriate reports
5 shall be left with or forwarded to the community action agency
6 directly.

7 Section 8. Fiscal control and fund accounting.

8 Under the provisions of the Omnibus Budget Reconciliation Act
9 of 1981 (Public Law 97-35, 95 Stat. 357), the department shall:

10 (1) Provide that fiscal control and fund accounting
11 procedures be established as may be necessary to assure the
12 proper disbursement of and accounting for Federal funds paid
13 to the Commonwealth. This includes procedures which may be
14 necessary for monitoring the assistance provided to community
15 action agencies and other eligible agencies under the
16 provisions of that act.

17 (2) Provide that at least once a year the department
18 shall prepare an audit of its expenditures of amounts
19 received and transferred to carry out the purposes of this
20 section. Promptly after completing the audit, the secretary
21 shall determine from the audit results whether any of the
22 costs or expenditures should be disallowed.

23 (3) Permit and cooperate with Federal investigations
24 undertaken pursuant to section 679 of the Omnibus Budget
25 Reconciliation Act of 1981.

26 Section 9. Remedies.

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

1 violation immediately.

2 (b) Agency response.--The agency may respond to the
3 department's notice of discrepancy or violation by written
4 correspondence to, or by requesting a meeting with, the
5 department to negotiate or 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.

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

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

18 (1) Suspend the operation of the community action agency
19 for a designated period of time. The agency must then rectify
20 the violation and reestablish itself as competent to carry
21 out those responsibilities enumerated in this statute for a
22 community action agency.

23 (2) Close out the operation of the community action
24 agency through the process of defunding. If closeout is
25 approved by the secretary, a minimum of 30 days' notice shall
26 be given to the agency. The department shall oversee agency
27 equipment inventory transfer to other agencies.

28 (e) Right of appeal.--The community action agency shall, at
29 all times, retain the right to appeal any department decisions.

30 Section 10. Expiration.

1 This act shall expire in three years unless extended by
2 statute.

3 Section 11. Effective date.

4 This act shall take effect immediately.