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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 642

Session of  
1985

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

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SENATOR TILGHMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED,  
OCTOBER 15, 1985

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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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2 The General Assembly of the Commonwealth of Pennsylvania  
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Community  
6 Services Act.

7 Section 2. Declaration of policy.

8 The General Assembly finds and declares as follows:

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

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

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

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

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

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

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

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

15 Section 3. Definitions.

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

19 "Community action agency." Any organization which was  
20 officially designated by county commissioners or mayors as such  
21 under the Omnibus Budget Reconciliation Act of 1981 (Public Law  
22 97-35, 95 Stat. 357) or established pursuant to this act, whose  
23 structure and functions are further defined in sections 4 and 5.

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

29 "Community Services Block Grant Advisory Task Force." An  
30 advisory panel established by the department pursuant to the

1 Omnibus Budget Reconciliation Act of 1981 to:

2 (1) coordinate and establish linkages between  
3 governmental and other social services programs as  
4 established by this act to assure the effective delivery of  
5 such services to low-income individuals; and

6 (2) encourage the use of entities in the private sector  
7 of the community to ameliorate poverty.

8 "Department." The Department of Community Affairs of the  
9 Commonwealth, or the designated agency responsible for the  
10 administration of community service block grant funds.

11 "Eligible entity." Any agency or organization designated in  
12 the Omnibus Budget Reconciliation Act of 1981 as an eligible  
13 recipient of community services block grant funds, including a  
14 limited purpose agency and a Statewide migrant and seasonal  
15 farmworkers' organization.

16 "Limited purpose agency." An agency that was funded under  
17 Title II of the Economic Opportunity Act of 1964 (Public Law 88-  
18 452, 78 Stat. 508) for a limited functional or geographical  
19 purpose and recognized as a community action program under the  
20 Omnibus Budget Reconciliation Act of 1981.

21 "Secretary." The Secretary of Community Affairs of the  
22 Commonwealth, or the designated individual responsible for the  
23 administration of community service block grant funds.

24 Section 4. Eligibility for community services block grant funds  
25 and designation of community action agencies.

26 (a) Community action agency receives block grants.--Each  
27 county and first and second class city within this Commonwealth  
28 to receive funds under this act shall have a community action  
29 agency designated to receive community services block grant  
30 funds. These community action agencies may be an arm of the

1 designating unit of government or nonprofit private community  
2 organization, constituted so that one-third of the members of  
3 the board of directors are elected public officials currently  
4 holding offices or their representatives, except that if the  
5 number of elected officials reasonably available and willing to  
6 serve is less than one-third of the board membership, membership  
7 on the board of appointive officials may be counted in meeting  
8 such one-third requirement; at least one-third are persons  
9 chosen in accordance with democratic selection procedures  
10 adequate to assure that they are representative of the poor in  
11 the area served; and the remainder of the members are officials  
12 or members of business, industry, labor, religious, welfare,  
13 education, or other major groups and interests in the community.

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

22 Section 5. Community action agencies and board.

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

26 (1) Develop and implement programs and projects designed  
27 in accordance with Federal regulations established under the  
28 Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35,  
29 95 Stat. 357) to serve the poor or low-income areas with  
30 maximum feasible participation of residents of the areas and

1 members of the groups served, so as to best stimulate and  
2 take full advantage of capabilities for self-advancement and  
3 assure that those programs and projects are otherwise  
4 meaningful to and widely utilized by their intended  
5 beneficiaries.

6 (2) Be a continuing and effective mechanism for securing  
7 broad community involvement in the programs assisted under  
8 this act.

9 (3) Provide effective coordination of existing community  
10 action programs with other Federal and State funds provided  
11 within the jurisdictional area targeted to the low-income  
12 population to avoid duplication of efforts within the area.

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

17 (1) Planning systematically for and evaluating the  
18 programs, including actions to develop information as to the  
19 problems and causes of poverty in the community; determining  
20 how much and how effectively assistance is being provided to  
21 deal with those problems and causes; and establishing  
22 priorities among projects, activities and areas as needed for  
23 the best and most efficient use of resources.

24 (2) Encouraging agencies engaged in activities related  
25 to the community action program to plan for, secure and  
26 administer assistance available under this act or from other  
27 sources on a common or cooperative basis; providing planning  
28 or technical assistance to those agencies; and generally, in  
29 cooperation with community agencies and officials,  
30 undertaking actions to improve existing efforts to attack

1 poverty, such as improving day-to-day communication, closing  
2 service gaps, focusing resources on the most needy and  
3 providing additional opportunities to low-income individuals  
4 for regular employment or participation in the programs or  
5 activities for which those community agencies and officials  
6 are responsible.

7 (3) Initiating and sponsoring projects responsive to  
8 needs of the poor which are not otherwise being met, with  
9 particular emphasis on providing central or common services  
10 that can be drawn upon by a variety of related programs;  
11 developing new approaches or new types of services that can  
12 be incorporated into other programs; and filling gaps pending  
13 the expansion or modification of those programs.

14 (4) Establishing effective procedures by which the poor  
15 and area residents concerned will be enabled to influence the  
16 character of programs affecting their interests, and  
17 providing technical and other support needed to enable the  
18 poor and neighborhood groups to secure on their own behalf  
19 available assistance from public and private sources.

20 (5) Joining with and encouraging business, labor and  
21 other private groups and organizations to undertake, together  
22 with public officials and agencies, activities in support of  
23 the community action program which will result in the  
24 additional use of private resources and capabilities, with a  
25 view to such things as developing new employment  
26 opportunities, stimulating investment that will have a  
27 measurable impact in reducing poverty among residents of  
28 areas of concentrated poverty, and providing methods by which  
29 residents of those areas can work with private groups, firms  
30 and institutions in seeking solutions to problems of common

1 concern.

2 (c) Prohibition of activities.--No community action agency  
3 or limited purpose agency receiving funds pursuant to this act  
4 may use those funds to engage in organized political activity,  
5 including, but not limited to, endorsement of candidates for  
6 public office, political fundraising, activities to provide  
7 voters and prospective voters with transportation to the polls  
8 or provide similar assistance in connection with an election or  
9 any voter registration activity or lobbying efforts at the  
10 local, State or Federal level.

11 Section 6. Financial assistance for community services block  
12 grant program.

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

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

20 (2) No less than 5% may be allotted at the discretion of  
21 the secretary in a manner consistent with this act.

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

27 (4) A formula basis shall be established for the  
28 distribution of funds reserved for community action agencies.  
29 The formula shall include consideration of the number of  
30 persons below the poverty level and the number of persons



1 unemployed, as determined annually by the United States  
2 Department of Labor, and shall include a minimum funding  
3 level of community services block grant funds for existing  
4 community action agencies meeting the requirements of the  
5 Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35,  
6 95 Stat. 357) and a Statewide migrant and seasonal  
7 farmworkers' organization approved by the secretary.

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

10 (6) In the event Federal funds are insufficient to meet  
11 the minimum funding levels, the determination of annual  
12 funding levels shall be made by the secretary based on input  
13 from the local agencies and the Community Services Block  
14 Grant Advisory Task Force.

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) Program priorities.--The secretary may establish  
27 Statewide priorities for the offering of specific services or  
28 type of services. In establishing these priorities, the  
29 secretary shall consider the recommendations of the Community  
30 Services Block Grant Advisory Task Force.

1 (d) Determination of local services.--To promote local  
2 responsibility and initiatives, decisions regarding which of the  
3 qualified services shall be provided shall be established  
4 through a local planning process administered by the local  
5 agency. The plan should be based on the recommendations of the  
6 local board and the public at large and ~~shall indicate~~ <—  
7 ~~consideration of~~ the Statewide priorities established by the  
8 secretary. Each local agency shall submit its plan to the  
9 department for review to ensure eligibility of proposed services  
10 under the provision of Federal law and regulations AND <—  
11 CONSISTENCY, TO THE EXTENT POSSIBLE, WITH THE STATEWIDE  
12 PRIORITIES.

13 Section 7. Monitoring of community action agency.

14 (a) Monitoring procedures.--It shall be the policy of the  
15 department to monitor the community action agencies to assure  
16 compliance with all contractual obligations and to assess the  
17 effectiveness of local agencies in meeting the objectives of  
18 this act as outlined in section 2, AND TO ASSESS THE IMPACT OF <—  
19 STATEWIDE PRIORITIES ON LOCAL SERVICES. Monitoring procedures  
20 shall be established annually by the department and published as  
21 part of the State plan.

22 (b) Onsite visits.--If determined to be necessary by the  
23 department, the department may conduct an agency onsite visit.  
24 The department may conduct an onsite visit to clarify  
25 discrepancies that may result from monitoring procedures, to  
26 review agency records regarding programs funded pursuant to this  
27 act, interview agency personnel and board members, and interview  
28 agency constituents and other local human services agencies.

29 (c) Preparation of report.--The department shall prepare a  
30 report, using the findings of the monitoring procedures and

onsite visits, if conducted, which identifies agency strengths and weaknesses and any required remedial actions. A copy of the report shall be forwarded by certified mail to the community action agency. The agency may request a conference with the department to discuss the report.

Section 8. Fiscal control and fund accounting.

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

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

(2) Provide that at least once a year the department shall prepare an audit of its expenditures of amounts received and transferred to carry out the purposes of this section. If the auditing and monitoring procedures result in any audit exceptions or disallowed costs on the part of any local agency, the local agency shall reimburse the department for said audit exceptions and disallowed costs from non-State and non-Federal funds.

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

Section 9. Remedies.

(a) Notice of discrepancy or violation.--If a discrepancy or violation of this act is discovered through monitoring and auditing activities of the department, the department shall

1 notify the community action agency of the discrepancy or  
2 violation immediately.

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

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

12 (1) Demand that the community action agency comply with  
13 this act.

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

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

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

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

1       inventory transfer 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 10. Waivers.

7       If a determination is made by the Department of Health and  
8 Human Services that any provisions of this act are in violation  
9 of Federal law or regulations and would jeopardize Federal  
10 funding, the secretary shall have the right to waive those  
11 sections, or portions thereof, whose enforcement constitutes  
12 said violations.

13 Section 11. Expiration.

14       This act shall expire in three years unless extended by  
15 statute.

16 Section 12. Effective date.

17       This act shall take effect immediately.