

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

REFERRED TO COMMITTEE ON APPROPRIATIONS, MAY 2, 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.

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 of the act of  
12 July 10, 1986 (P.L.1263, No.116), known as the Community  
13 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  
19 by:

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

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

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

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

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

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

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

30 (3) By so doing, it is the intention of the General

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

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

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

28 (b) Present agencies included for eligibility.--This  
29 designation includes all present community action agencies and  
30 other eligible entities established under the Omnibus Budget

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

6 Section 5. Community action agencies and board.

7 \* \* \*

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

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

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

30 (1) No greater than 5% shall be allotted to the

1 department for the administration of program operations.

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

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

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

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

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

30 \* \* \*

1 Section 7. Monitoring of community action agency.

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

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

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

24 Section 9. Remedies.

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

30 (b) Agency response.--The agency shall respond to the

1 department's notice of discrepancy or violation within two weeks  
2 of receipt of said notice by written correspondence to, or by  
3 requesting a meeting with, the department to negotiate or  
4 clarify facts.

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

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

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

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

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

5       Section 2. This act shall take effect immediately.