

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 927 Session of 2013

INTRODUCED BY SANKEY, CALTAGIRONE, COHEN, CUTLER, GABLER, GIBBONS, C. HARRIS, JAMES, LONGIETTI, MIRANDA, KULA, OBERLANDER, MILNE AND BROOKS, MARCH 11, 2013

SENATOR WARD, COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT, IN SENATE, AS AMENDED, JUNE 19, 2013

AN ACT

1 Reenacting and amending the act of May 16, 2002 (P.L.315,
2 No.46), entitled "An act providing for a community services
3 block grant program; and further providing for powers and
4 duties of the Department of Community and Economic
5 Development," extending the expiration of the act; FURTHER <--
6 PROVIDING FOR FINANCIAL ASSISTANCE FOR COMMUNITY SERVICES
7 BLOCK GRANT PROGRAM; and making editorial changes.

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

10 Section 1. The title and sections 1 and 2 of the act of May
11 16, 2002 (P.L.315, No.46), known as the Community Services Block
12 Grant Act, are reenacted to read:

13 AN ACT

14 Providing for a community services block grant program; and
15 further providing for powers and duties of the Department of
16 Community and Economic Development.

17 Section 1. Short title.

18 This act shall be known and may be cited as the Community
19 Services Block Grant Act.

1 Section 2. Declaration of policy.

2 The General Assembly finds and declares as follows:

3 (1) It is the intention of the General Assembly as a
4 matter of public policy to affirm the commitment of the
5 Commonwealth to ameliorating the causes and effect of poverty
6 by:

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

12 (ii) Encouraging and supporting a holistic approach
13 designed to move low-income families and individuals
14 towards self-sufficiency.

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

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

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

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

30 (2) It is also the intention of the General Assembly to

1 stimulate a better focusing of human and financial resources
2 on the goal of eliminating poverty by providing for the
3 continuity of programs which presently exist throughout this
4 Commonwealth for this stated purpose.

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

12 (4) The General Assembly also finds that the Federal
13 funds available to finance activities under this act shall be
14 used for the following purposes:

15 (i) To provide a range of services and activities
16 having a measurable and potentially major impact on
17 causes of poverty in the community or those areas of the
18 community where poverty is a particularly acute problem.

19 (ii) To provide activities designed to assist low-
20 income participants, including the elderly poor:

21 (A) to secure and retain meaningful employment;

22 (B) to attain an adequate education;

23 (C) to make better use of available income;

24 (D) to obtain and maintain adequate housing and
25 a suitable living environment;

26 (E) to obtain emergency assistance through loans
27 or grants to meet immediate and urgent individual and
28 family needs, including the need for health services,
29 nutritious food, housing and employment-related
30 assistance;

1 (F) to remove obstacles and solve problems which
2 block the achievement of self-sufficiency;

3 (G) to achieve greater participation in the
4 affairs of the community; and

5 (H) to make more effective use of other programs
6 related to the purposes of this act.

7 (iii) To provide on an emergency basis for the
8 provision of such supplies and services, nutritious
9 foodstuffs and related services as may be necessary to
10 counteract conditions of starvation and malnutrition
11 among the poor.

12 (iv) To coordinate and establish linkages between
13 governmental and other social services programs to assure
14 the effective delivery of such services to low-income
15 individuals.

16 (v) To encourage the use of entities in the private
17 sector of the community in efforts to ameliorate poverty
18 in the community.

19 Section 2. Section 3 of the act is reenacted and amended to
20 read:

21 Section 3. Definitions.

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

25 "Case management." A series of coordinated activities to
26 determine, with the income-eligible individuals, what services
27 are needed and to coordinate their timely provision within the
28 agency and through other resources in the community.

29 "Community action agency." Any organization which was
30 officially designated by county commissioners or mayors as such

1 under the Omnibus Budget Reconciliation Act of 1981 (Public Law
2 97-35, 95 Stat. 357) or established pursuant to this act, whose
3 structure and functions are further defined in sections 4 and 5.

4 "Community food and nutrition program." A program whereby
5 grants are made to State and local hunger prevention
6 organizations for activities which address the food and
7 nutrition needs of low-income populations, especially high risk
8 children, as outlined in section 681A(a) of the Community
9 Services Block Grant Act (Public Law 97-35, [42 U.S.C. §
10 9910A(a)] 98 Stat. 2886).

11 "Community services block grant." A program authorized by
12 the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35,
13 95 Stat. 357) which follows the provision defined in Title XVII,
14 Subtitle C, Chapter 2 (95 Stat. 762), which is intended to be
15 used by the Commonwealth for programs to ameliorate the causes
16 and effects of poverty.

17 "Community Services Block Grant Advisory Task Force." An
18 advisory panel established by the department pursuant to the
19 Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, 95
20 Stat. 357) to:

21 (1) coordinate and establish linkages between
22 governmental and other social services programs as
23 established by this act to assure the effective delivery of
24 such services to low-income individuals; and

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

27 "Department." The Department of Community and Economic
28 Development of the Commonwealth or the designated agency
29 responsible for the administration of community service block
30 grant funds.

1 "Eligible entity." Any agency or organization designated in
2 the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35,
3 95 Stat. 357) as an eligible recipient of community services
4 block grant funds, including a limited purpose agency and a
5 Statewide migrant and seasonal farmworkers' organization.

6 "Limited purpose agency." An agency that was funded under
7 Title II of the Economic Opportunity Act of 1964 (Public Law 88-
8 452, 78 Stat. 508) for a limited functional or geographical
9 purpose and recognized as a community action program under the
10 Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, 95
11 Stat. 357).

12 "Omnibus Budget Reconciliation Act of 1981." The Omnibus
13 Budget Reconciliation Act of 1981 (Public Law 97-35, [42 U.S.C.
14 § 9901 et seq.] 95 Stat. 357).

15 "Secretary." The Secretary of Community and Economic
16 Development of the Commonwealth or the designated individual
17 responsible for the administration of community service block
18 grant funds.

19 Section 3. Sections 4 and 5 of the act are reenacted to
20 read:

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

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

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

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

19 Section 5. Community action agencies and board.

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

23 (1) Develop and implement programs and projects designed
24 in accordance with Federal regulations established under the
25 Omnibus Budget Reconciliation Act of 1981 to serve the poor
26 or low-income areas with maximum feasible participation of
27 residents of the areas and members of the groups served, so
28 as to best stimulate and take full advantage of capabilities
29 for self-advancement and assure that those programs and
30 projects are otherwise meaningful to and widely utilized by

1 their intended beneficiaries. Participation in any community
2 service block grant program is limited to persons whose
3 income in relation to family size does not exceed 125% of the
4 official poverty line established by the Federal Office of
5 Management and Budget.

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 and affordable housing or
5 participation in the programs or activities for which those
6 community agencies and officials 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 providing
17 technical and other support needed to enable the poor and
18 neighborhood groups to secure on their own behalf available
19 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 (6) Utilizing a comprehensive case-management approach
3 to the provision of services provided to eligible low-income
4 individuals as defined in section 3.

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

15 Section 4. Section 6 of the act is reenacted and amended to
16 read:

17 Section 6. Financial assistance for community services block
18 grant program.

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

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

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

30 (3) Of the remaining 90%, no greater than 5% may be

1 alloted to establish community action agencies in those areas
2 currently unserved; no less than 85% shall be reserved for
3 existing community action agencies and other eligible
4 entities as defined in section 3.

5 (4) A formula basis shall be established for the
6 distribution of funds reserved for community action agencies.
7 The formula shall include consideration of the number of
8 persons below the poverty level and the number of persons
9 unemployed, as determined annually by the United States
10 Department of Labor, and shall include a minimum funding
11 level of community services block grant funds for existing
12 community action agencies meeting the requirements of the
13 Omnibus Budget Reconciliation Act of 1981 and a Statewide
14 migrant and seasonal farmworkers' organization approved by
15 the secretary.

16 (5) A minimum funding level of only community service
17 block grant funds shall be set at [\$150,000 or a pro rata
18 amount if insufficient funds are available to provide the
19 minimum amount.] an amount equal to 1.06% of the annual
20 community service block grant allocation awarded to the
21 Commonwealth following the distribution of administrative and
22 discretionary funds by the department. Each community action
23 agency shall receive no less than \$250,000 in any year. If
24 insufficient funds are available to meet that amount, funds
25 shall be distributed on a pro rata basis.

26 (6) As established by the formula under this section,
27 the determination of annual funding levels shall be made by
28 the secretary based on input from the local agencies and the
29 Community Services Block Grant Advisory Task Force.

30 (a.1) Reduction or termination of funding.--

1 (1) Any community action agency or migrant and seasonal
2 farmworker organization which received funding in the
3 previous fiscal year under this act will not have its present
4 or future funding terminated under this act or reduced below
5 the proportional share of funding it received in the previous
6 fiscal year unless, after notice and opportunity for hearing
7 on the record, the Commonwealth determines that cause existed
8 for such termination or such reduction, subject, however, to
9 review under section 678C(b) of the Omnibus Budget
10 Reconciliation Act of 1981 (42 U.S.C. § 9916(b)).

11 (2) For purposes of making a determination with respect
12 to a funding reduction, the term "cause" includes:

13 (i) a Statewide redistribution of funds under this
14 act to respond to:

15 (A) the results of the most recently available
16 census or other appropriate data;

17 (B) the establishment of a new eligible entity;

18 (C) severe economic dislocation; and

19 (ii) the failure of an eligible entity to comply
20 with the terms of its agreement to provide services under
21 this act.

22 (b) Grant prerequisite.--The secretary shall require, as a
23 condition of assistance, that each community action agency or
24 other eligible agency designated for funding adopt a systematic
25 approach for achieving the functions stated in section 5(b) and
26 for utilizing the funds provided under this act. Such an
27 approach shall encompass a planning and implementation process
28 which seeks to identify the problems and causes of poverty in
29 the community, seeks to mobilize and coordinate relevant public
30 and private resources, establishes program priorities, links

1 program components with one another and with other relevant
2 programs and provides for evaluation.

3 (c) Program priorities.--The secretary may establish
4 Statewide priorities for the offering of specific services or
5 type of services. In establishing these priorities, the
6 secretary shall consider the recommendations of the Community
7 Services Block Grant Advisory Task Force.

8 (d) Determination of local services.--To promote local
9 responsibility and initiatives, decisions regarding which of the
10 qualified services shall be provided shall be established
11 through a local planning process administered by the local
12 agency. The plan should be based on the recommendations of the
13 local board of directors and the public at large and the
14 Statewide priorities established by the secretary. Each local
15 agency shall submit its plan to the department for review to
16 ensure eligibility of proposed services under the provision of
17 Federal law and regulations and consistency to the extent
18 possible with the Statewide priorities.

19 Section 5. Section 7 of the act is reenacted to read:

20 Section 7. Monitoring of community action agency.

21 (a) Monitoring procedures.--It shall be the policy of the
22 department to monitor the community action agencies to assure
23 compliance with all contractual obligations and to assess the
24 effectiveness of local agencies in meeting the objectives of
25 this act as outlined in section 2 and to assess the impact of
26 Statewide priorities on local services. Monitoring procedures
27 shall be established annually by the department and published as
28 part of the State plan.

29 (b) Onsite visits.--If determined to be necessary by the
30 department, the department may conduct an agency onsite visit.

1 The department may conduct an onsite visit to clarify
2 discrepancies that may result from monitoring procedures, review
3 agency records regarding programs funded pursuant to this act,
4 interview agency personnel and board members and interview
5 agency constituents and other local human services agencies.

6 (c) Preparation of report.--The department shall prepare a
7 report using the findings of the monitoring procedures and
8 onsite visits, if conducted, which identifies agency strengths
9 and weaknesses and any required remedial actions. A copy of the
10 report shall be forwarded by mail to the community action
11 agency. The agency may request a conference with the department
12 to discuss the report.

13 Section 6. Section 8 of the act is reenacted and amended to
14 read:

15 Section 8. Fiscal control and fund accounting.

16 Under the provisions of the Omnibus Budget Reconciliation Act
17 of 1981, the department shall:

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

25 (2) Provide that at least once a year the department
26 shall prepare an audit of its expenditures of amounts
27 received and transferred to carry out the purposes of this
28 section. If the auditing and monitoring procedures result in
29 any audit exceptions or disallowed costs on the part of any
30 local agency, the local agency shall reimburse the department

1 for said audit exceptions and disallowed costs from non-State
2 and non-Federal funds.

3 (3) Permit and cooperate with Federal investigations
4 undertaken pursuant to section [678D] 678C of the Omnibus
5 Budget Reconciliation Act of 1981 ([Public Law 97-35,] 42
6 U.S.C. § 9916).

7 Section 7. Sections 9, 10, 11 and 12 of the act are
8 reenacted to read:

9 Section 9. Remedies.

10 (a) Notice of discrepancy or violation.--If a discrepancy or
11 violation of this act is discovered through monitoring and
12 auditing activities of the department, the department shall
13 notify the community action agency of the discrepancy or
14 violation immediately by certified mail.

15 (b) Agency response.--The agency shall respond to the
16 department's notice of discrepancy or violation within two weeks
17 of receipt of said notice by written correspondence to or by
18 requesting a meeting with the department to negotiate or clarify
19 facts.

20 (c) Agency noncompliance.--If the community action agency is
21 found to have been in noncompliance with the provisions of this
22 act, the department shall have the power to do any of the
23 following:

24 (1) Require appropriate corrective measures and provide
25 technical assistance to assist in implementing them.

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

28 (d) Agency violation.--Notwithstanding subsection (b), if
29 the department determines that a violation has occurred with
30 willful disregard for this act, the department may do any of the

1 following:

2 (1) Suspend the community service block grant contract
3 for a designated period of time. The agency must then rectify
4 the violation and reestablish itself as competent as
5 determined by the department to carry out those
6 responsibilities enumerated in this statute for a community
7 action agency.

8 (2) Close out the community service block grant contract
9 through the process of defunding, in accordance with Federal
10 law and regulations. If closeout is approved by the
11 secretary, a minimum of 30 days' notice shall be given to the
12 agency. The department shall oversee agency equipment
13 inventory transfer to other agencies.

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

18 Section 10. Waivers.

19 If a determination is made by the Department of Health and
20 Human Services that any provisions of this act are in violation
21 of Federal law or regulations and would jeopardize Federal
22 funding, the secretary, with the approval of the Governor, may
23 suspend those sections or portions thereof whose enforcement
24 constitutes said violations.

25 Section 11. Construction.

26 This act shall be construed as a continuation of the act of
27 July 10, 1986 (P.L.1263, No.116), known as the Community
28 Services Act.

29 Section 12. Retroactivity.

30 This act shall be retroactive to January 1, 2002.

1 Section 8. Section 13 of the act, amended November 16, 2005
2 (P.L.381, No.70), is reenacted and amended to read:

3 Section 13. Expiration.

4 This act shall expire December 31, [2011] 2017.

5 Section 9. Section 14 of the act is reenacted to read:

6 Section 14. Effective date.

7 This act shall take effect immediately.

8 Section 10. This act shall apply retroactively to December
9 31, 2011.

10 Section 11. This act shall take effect immediately.