

No. 1992-122

## AN ACT

SB 1788

Amending the act of July 10, 1986 (P.L.1263, No.116), entitled "An act providing for a community services block grant program; and further providing for powers and duties of the Department of Community Affairs," adding a definition of "case management"; further providing for eligibility for funding, for program participation and for financial assistance; and extending the expiration date of the act.

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

Section 1. Section 2 of act of July 10, 1986 (P.L.1263, No.116), known as the Community Services Act, amended July 10, 1989 (P.L.287, No.49), is amended to read:

Section 2. Declaration of policy.

The General Assembly finds and declares as follows:

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

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

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

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

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

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

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

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

(3) By so doing, it is the intention of the General Assembly to set forth the policies which shall govern the administration of the community services block grant or subsequent funding mechanisms established for

similar purposes. This block grant was created by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, 95 Stat. 357) and follows the provisions defined in that act.

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

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

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

*(A) to secure and retain meaningful employment;*

*(B) to attain an adequate education;*

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

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

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

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

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

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

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

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

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

Section 2. Section 3 of the act is amended by adding a definition to read:

Section 3. Definitions.

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

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

\* \* \*

Section 3. Section 4(a) of the act, amended July 10, 1989 (P.L.287, No.49), is amended to read:

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

(a) Community action agency receives block grants.—Each county and first and second class city within this Commonwealth to receive funds under this act shall have a community action agency designated to receive community services block grant funds. These community action agencies may be an arm of the designating unit of government or other eligible entity, constituted so that one-third of the members of the board of directors are elected public officials currently holding offices or their representatives, except that, *if the number of elected officials reasonably available and willing to serve is less than one-third of the board membership, membership on the board of appointive officials may be counted in meeting such one-third requirement; at least one-third are persons chosen in accordance with **departmentally approved** democratic selection procedures adequate to assure that they are representative of the poor in the area served; and the remainder of the members are officials or members of business, industry, labor, religious, welfare, education or other major groups and interests in the community.*

\* \* \*

Section 4. Section 5(a)(1) and (c) of the act are amended and subsection (b) is amended by adding a clause to read:

Section 5. Community action agencies and board.

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

(1) Develop and implement programs and projects designed in accordance with Federal regulations established under the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, 95 Stat. 357) to serve the poor or low-income areas with maximum feasible participation of residents of the areas and members of the groups served, so as to best stimulate and take full advantage of capabilities for self-advancement and assure that those programs and projects are otherwise meaningful to and widely utilized by their intended beneficiaries. *Participation in any community service block grant program is limited to persons whose income in relation to family size does not exceed 125% of the official poverty line established by the Federal Office of Management and Budget.*

\* \* \*

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

\* \* \*

(6) *Utilizing a comprehensive case-management approach to the provision of services provided to eligible low-income individuals as defined in section 3.*

(c) Prohibition of activities.—No community action agency or limited purpose agency receiving funds pursuant to this act may engage in organized political activity, including, but not limited to, endorsement of candidates for public office, political fundraising or provide similar assistance in con-

nection with an election, nor shall funds received pursuant to this act be expended for providing transportation of voters *or prospective voters* to the polls on a nonpartisan basis, *for providing* any nonpartisan voter registration activity or lobbying efforts at the local, State or Federal level.

Section 5. Section 6(a)(7) and (d) of the act, amended July 10, 1989 (P.L.287, No.49), are amended and the section is amended by adding a subsection to read:

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

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

\* \* \*

[(7) (i) Notwithstanding any other provision of this section, if the total amount of Federal and State funds available for distribution to community action agencies for the fiscal year beginning July 1, 1989, and thereafter, is the same or greater than the total amount of Federal and State funds available for distribution during the 1988-1989 fiscal year, no community action agency shall receive an allocation that is less than the amount it received during the 1988-1989 fiscal year.

(ii) Notwithstanding any other provision of this section, if the total amount of Federal and State funds available for distribution to community action agencies for the fiscal year beginning July 1, 1989, and thereafter, is less than the total amount of Federal and State funds available for distribution during the 1988-1989 fiscal year, each community action agency shall receive the same percentage reduction in its allocation, except that no community action agency shall receive less than \$150,000.]

(a.1) *Reduction or termination of funding.*—

(1) *Any community action agency or migrant and seasonal farm-worker organization which received funding in the previous fiscal year under this act will not have its present or future funding terminated under this act or reduced below the proportional share of funding it received in the previous fiscal year unless, after notice and opportunity for hearing on the record, the Commonwealth determines that cause existed for such termination or such reduction, subject however to review under section 676A of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, 95 Stat. 357).*

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

- (i) *a Statewide redistribution of funds under this act to respond to:*
  - (A) *the results of the most recently available census or other appropriate data;*
  - (B) *the establishment of a new eligible entity;*
  - (C) *severe economic dislocation; and*

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

\* \* \*

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

Section 6. Section 11 of the act, amended July 10, 1989 (P.L.287, No.49), is amended to read:

Section 11. Expiration.

This act shall expire December 31, ~~1992~~ 1995, unless extended by statute.

Section 7. This act shall take effect immediately.

APPROVED—The 4th day of December, A. D. 1992.

ROBERT P. CASEY