

No. 2002-46

## AN ACT

HB 247

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

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

**Section 1. Short title.**

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

**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 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 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.

“Community action agency.” Any organization which was officially designated by county commissioners or mayors as such under the Omnibus

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

“Community food and nutrition program.” A program whereby grants are made to State and local hunger prevention organizations for activities which address the food and nutrition needs of low-income populations, especially high risk children, as outlined in section 681A(a) of the Community Services Block Grant Act (Public Law 97-35, 42 U.S.C. § 9910A(a)).

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

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

- (1) coordinate and establish linkages between governmental and other social services programs as established by this act to assure the effective delivery of such services to low-income individuals; and
- (2) encourage the use of entities in the private sector of the community to ameliorate poverty.

“Department.” The Department of Community and Economic Development of the Commonwealth or the designated agency responsible for the administration of community service block grant funds.

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

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

“Omnibus Budget Reconciliation Act of 1981.” The Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, 42 U.S.C. § 9901 et seq.).

“Secretary.” The Secretary of Community and Economic Development of the Commonwealth or the designated individual responsible for the administration of community service block grant funds.

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.

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

#### 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 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.

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

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

(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:

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

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

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

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

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

(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 connection 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 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:

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

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

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

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

(5) A minimum funding level of only community service block grant funds shall be set at \$150,000 or a pro rata amount if insufficient funds are available to provide the minimum amount.

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

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

(1) Any community action agency or migrant and seasonal farmworker 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 678C(b) of the Omnibus Budget Reconciliation Act of 1981.

(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.

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

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

(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 7. Monitoring of community action agency.

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

(b) Onsite visits.—If determined to be necessary by the department, the department may conduct an agency onsite visit. The department may conduct an onsite visit to clarify discrepancies that may result from monitoring procedures, review agency records regarding programs funded

pursuant to this act, interview agency personnel and board members and interview agency constituents and other local human services agencies.

(c) Preparation of report.—The department shall prepare a 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 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, 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 678D of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, 42 U.S.C. § 9916).

#### 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 notify the community action agency of the discrepancy or violation immediately by certified mail.

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

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

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

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

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

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

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

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

#### Section 10. Waivers.

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

#### Section 11. Construction.

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

#### Section 12. Retroactivity.

This act shall be retroactive to January 1, 2002.

#### Section 13. Expiration.

This act shall expire December 31, 2006.

#### Section 14. Effective date.

This act shall take effect immediately.

APPROVED—The 16th day of May, A.D. 2002.

MARK S. SCHWEIKER