

HOUSE BILL 1066

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9lr2571
CF SB 969

By: **Delegates Valentino-Smith, Lierman, and P. Young**

Introduced and read first time: February 8, 2019

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2019

CHAPTER _____

1 AN ACT concerning

2 **Family Investment Program – ~~Transitional Assistance for Education Pilot~~**
3 **~~Program~~ Work Activity Requirement – Authorized Activities and Report**

4 FOR the purpose of ~~establishing the Transitional Assistance for Education Pilot Program~~
5 ~~within the Family Investment Program in the Department of Human Services;~~
6 ~~exempting the Pilot Program from a requirement that certain transitional assistance~~
7 ~~be paid to a certain third party payee; establishing the purpose of the Pilot Program;~~
8 ~~requiring the Department to establish the Pilot Program in certain counties;~~
9 ~~specifying certain eligibility requirements for participation in the Pilot Program;~~
10 ~~requiring the transitional assistance provided to a certain recipient under the Pilot~~
11 ~~Program to equal a certain benefit; authorizing a certain recipient to reapply for a~~
12 ~~certain benefit and requiring the benefit to be provided in a certain manner;~~
13 ~~expressing the intent of the General Assembly that any general funds appropriated~~
14 ~~for the Pilot Program shall supplement, and not supplant, funds otherwise~~
15 ~~appropriated for the Department; requiring the Department, in consultation with~~
16 ~~the University of Maryland School of Social Work, to collect and report certain~~
17 ~~information to certain committees of the General Assembly on or before a certain~~
18 ~~date each year; requiring the Secretary of Human Services to adopt certain~~
19 ~~regulations; defining a certain term; providing for the termination of this Act; and~~
20 ~~generally relating to the Transitional Assistance for Education Pilot Program~~
21 requiring the Department of Human Services to allow a certain applicant for or
22 recipient of assistance under the Family Investment Program to meet a certain work
23 activity requirement by participating in certain education or vocational training
24 programs in a certain manner for a certain maximum time period; authorizing the
25 Department to suspend the application of certain provisions of law under certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 circumstances; requiring the Department to report certain information to the
 2 General Assembly on or before a certain date each year; defining certain terms;
 3 providing for a delayed effective date; and generally relating to work activity
 4 requirements under the Family Investment Program.

5 BY repealing and reenacting, without amendments,
 6 Article – Human Services
 7 Section 5–301(a), (b), (d), (e), and ~~(g)~~ and ~~5–312(f)(1)~~ (h)
 8 Annotated Code of Maryland
 9 (2007 Volume and 2018 Supplement)

10 BY repealing and reenacting, with amendments,
 11 Article – Human Services
 12 Section ~~5–312(f)(2)~~ 5–308(a)
 13 Annotated Code of Maryland
 14 (2007 Volume and 2018 Supplement)

15 BY adding to
 16 Article – Human Services
 17 Section ~~5–312.1~~ 5–322
 18 Annotated Code of Maryland
 19 (2007 Volume and 2018 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 21 That the Laws of Maryland read as follows:

22 Article – Human Services

23 5–301.

24 (a) In this subtitle the following words have the meanings indicated.

25 (b) “FIP” means the Family Investment Program.

26 (d) “Recipient” means each individual in a FIP case,

27 (e) “Temporary cash assistance” means the cash assistance component of the FIP
 28 that is funded wholly or partly through Title IV, Part A, of the Social Security Act.

29 ~~(g) “Transitional assistance” means assistance provided to a recipient whose~~
 30 ~~temporary cash assistance has been terminated for noncompliance with FIP requirements.~~

31 (h) “Work activity” means:

32 (1) job search activity;

33 (2) subsidized employment in either the public or private sector;

- 1 (3) work experience;
2 (4) on-the-job training;
3 (5) community service;
4 (6) training directly related to employment; or
5 (7) education directly related to employment.

6 5-308.

7 (a) (1) **(I)** IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
8 MEANINGS INDICATED.

9 **(II)** “TARGET WORK RATE” MEANS THE RATE ESTABLISHED FOR
10 THE STATE BY THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES BASED
11 ON THE STATE’S CASELOAD REDUCTION CREDIT UNDER THE FEDERAL TEMPORARY
12 ASSISTANCE FOR NEEDY FAMILIES PROGRAM, 42 U.S.C. 22-601 ET SEQ.

13 **(III)** “WORK PARTICIPATION RATE” MEANS THE FEDERAL WORK
14 PARTICIPATION RATE ESTABLISHED BY THE U.S. DEPARTMENT OF HEALTH AND
15 HUMAN SERVICES UNDER THE FEDERAL TEMPORARY ASSISTANCE FOR NEEDY
16 FAMILIES PROGRAM, 42 U.S.C. 22-601 ET SEQ.

17 **(2)** A family may be eligible for assistance under this subtitle only if the
18 family includes:

19 (i) a minor child who resides with a custodial parent or other adult
20 caretaker who is a relative of the child; or

21 (ii) a pregnant individual.

22 **[(2)] (3)** Assistance shall be provided to an applicant or recipient under
23 this subtitle only if the applicant or recipient:

24 (i) resides in the State at the time of application for assistance;

25 (ii) if applicable:

26 1. has applied for child support services with the appropriate
27 local child support enforcement office at the time of application for assistance; and

28 2. complies with the requirements of the local child support
29 enforcement office;

1 (iii) has engaged in job search activities as requested by the
2 Department;

3 (iv) participates in work activity under this subtitle; and

4 (v) meets all other FIP requirements that the Secretary establishes
5 by regulation.

6 (4) SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, THE
7 DEPARTMENT SHALL ALLOW AN APPLICANT OR A RECIPIENT TO MEET THE WORK
8 ACTIVITY REQUIREMENT FOR A MAXIMUM OF 24 MONTHS BY ENGAGING IN:

9 (I) A MINIMUM OF 20 HOURS PER WEEK OF VOCATIONAL
10 EDUCATIONAL TRAINING THAT IS DIRECTLY RELATED TO EMPLOYMENT AND LEADS
11 TO AN ASSOCIATE DEGREE, A DIPLOMA, OR A CERTIFICATE; OR

12 (II) AN AVERAGE OF AT LEAST 20 HOURS PER WEEK OF
13 EDUCATION DIRECTLY RELATED TO EMPLOYMENT, WHICH MAY INCLUDE:

14 1. AN ADULT BASIC EDUCATION PROGRAM;

15 2. AN ENGLISH AS A SECOND LANGUAGE PROGRAM; OR

16 3. A GED PROGRAM.

17 (5) IF THE WORK PARTICIPATION RATE DOES NOT EXCEED THE
18 TARGET WORK RATE BY 10% IN ANY MONTH, THE DEPARTMENT, AFTER PROVIDING
19 AT LEAST 30 DAYS PRIOR NOTICE TO THE SENATE BUDGET AND TAXATION
20 COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE, MAY SUSPEND THE
21 APPLICATION OF PARAGRAPH (4) OF THIS SUBSECTION UNTIL THE WORK
22 PARTICIPATION RATE EXCEEDS THE TARGET WORK RATE BY 10% FOR 3
23 CONSECUTIVE MONTHS.

24 5-322.

25 (A) ON OR BEFORE OCTOBER 1 EACH YEAR, THE DEPARTMENT SHALL
26 REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE
27 STATE GOVERNMENT ARTICLE, THE FOLLOWING INFORMATION FOR THE
28 PRECEDING YEAR:

29 (1) THE NUMBER OF RECIPIENTS WHO ENGAGED IN EDUCATION OR
30 VOCATIONAL EDUCATIONAL TRAINING DIRECTLY RELATED TO EMPLOYMENT;

1 **(2) THE NUMBER OF RECIPIENTS WHO COMPLETED EDUCATION OR**
 2 **VOCATIONAL EDUCATIONAL TRAINING DIRECTLY RELATED TO EMPLOYMENT;**

3 **(3) THE NUMBER OF RECIPIENTS WHO OBTAINED OR MAINTAINED**
 4 **EMPLOYMENT FOR 6 MONTHS, 12 MONTHS, 18 MONTHS, AND 24 MONTHS AFTER**
 5 **COMPLETING EDUCATION OR VOCATIONAL EDUCATIONAL TRAINING DIRECTLY**
 6 **RELATED TO EMPLOYMENT; AND**

7 **(4) THE AVERAGE EARNINGS OF RECIPIENTS WHO OBTAINED OR**
 8 **MAINTAINED EMPLOYMENT FOR 6 MONTHS, 12 MONTHS, 18 MONTHS, AND 24**
 9 **MONTHS AFTER COMPLETING EDUCATION OR VOCATIONAL EDUCATIONAL**
 10 **TRAINING DIRECTLY RELATED TO EMPLOYMENT.**

11 **(B) THE INFORMATION IN THE REPORT REQUIRED UNDER SUBSECTION (A)**
 12 **OF THIS SECTION SHALL BE BROKEN DOWN BY THE TYPES OF EDUCATION OR**
 13 **VOCATIONAL EDUCATIONAL TRAINING PROGRAM IN WHICH THE RECIPIENTS**
 14 **ENGAGED, INCLUDING:**

15 **(1) ASSOCIATE DEGREE PROGRAMS;**

16 **(2) VOCATIONAL EDUCATIONAL TRAINING PROGRAMS THAT DO NOT**
 17 **LEAD TO AN ASSOCIATE DEGREE;**

18 **(3) POSTSECONDARY EDUCATION PROGRAMS THAT ARE NOT**
 19 **INCLUDED IN ITEMS (1) OR (2) OF THIS SUBSECTION;**

20 **(4) ADULT BASIC EDUCATION PROGRAMS;**

21 **(5) ENGLISH AS A SECOND LANGUAGE PROGRAMS; AND**

22 **(6) GED PROGRAMS.**

23 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July**
 24 **1, 2020.**

25 ~~5-312.~~

26 ~~(f) (1) After termination of temporary cash assistance under this section, a~~
 27 ~~recipient may receive transitional assistance.~~

28 ~~(2) [If] EXCEPT AS PROVIDED IN § 5-312.1 OF THIS SUBTITLE, IF a~~
 29 ~~caseworker determines that transitional assistance is appropriate, the FIP benefit that~~
 30 ~~would have been paid to the recipient shall be paid instead to a third party payee on behalf~~
 31 ~~of the recipient for a period of up to 3 months.~~

1 ~~5-312.1.~~

2 ~~(A) IN THIS SECTION, "PILOT PROGRAM" MEANS THE TRANSITIONAL~~
3 ~~ASSISTANCE FOR EDUCATION PILOT PROGRAM ESTABLISHED UNDER THIS~~
4 ~~SECTION.~~

5 ~~(B) THERE IS A TRANSITIONAL ASSISTANCE FOR EDUCATION PILOT~~
6 ~~PROGRAM WITHIN THE FIP.~~

7 ~~(C) THE PURPOSE OF THE PILOT PROGRAM IS TO INCREASE ACCESS TO~~
8 ~~EMPLOYMENT-RELATED EDUCATIONAL AND TRAINING OPPORTUNITIES FOR~~
9 ~~RECIPIENTS.~~

10 ~~(D) THE DEPARTMENT SHALL ESTABLISH THE PILOT PROGRAM IN~~
11 ~~BALTIMORE CITY, PRINCE GEORGE'S COUNTY, AND WASHINGTON COUNTY.~~

12 ~~(E) (1) A RECIPIENT IS ELIGIBLE FOR TRANSITIONAL ASSISTANCE~~
13 ~~UNDER THE PILOT PROGRAM IF:~~

14 ~~(I) THE RECIPIENT PARTICIPATES IN EDUCATION OR TRAINING~~
15 ~~DIRECTLY RELATED TO EMPLOYMENT FOR MORE THAN 10 HOURS EACH WEEK;~~

16 ~~(II) THE RECIPIENT'S TEMPORARY CASH ASSISTANCE IS~~
17 ~~TERMINATED UNDER § 5-312 OF THIS SUBTITLE FOR NONCOMPLIANCE WITH A~~
18 ~~WORK ACTIVITY REQUIREMENT;~~

19 ~~(III) THE RECIPIENT MEETS ALL OTHER REQUIREMENTS OF THE~~
20 ~~FIP; AND~~

21 ~~(IV) THE RECIPIENT MEETS ANY OTHER REQUIREMENTS~~
22 ~~ESTABLISHED BY REGULATION UNDER THIS SECTION.~~

23 ~~(2) A RECIPIENT MAY NOT RECEIVE TEMPORARY CASH ASSISTANCE~~
24 ~~WHILE RECEIVING TRANSITIONAL ASSISTANCE UNDER THE PILOT PROGRAM.~~

25 ~~(3) A RECIPIENT MAY NOT RECEIVE MORE THAN 1 YEAR OF~~
26 ~~TRANSITIONAL ASSISTANCE UNDER THIS SECTION.~~

27 ~~(F) THE TRANSITIONAL ASSISTANCE PROVIDED TO A RECIPIENT UNDER~~
28 ~~THE PILOT PROGRAM SHALL BE EQUAL TO THE FIP BENEFIT THAT WOULD HAVE~~
29 ~~BEEN PAID TO THE RECIPIENT.~~

~~(G) A RECIPIENT WHO HAS RECEIVED TRANSITIONAL ASSISTANCE UNDER THIS SECTION MAY REAPPLY FOR THE FIP BENEFIT AND THE BENEFIT SHALL BE FURNISHED WITH REASONABLE PROMPTNESS TO ALL ELIGIBLE INDIVIDUALS.~~

~~(H) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT ANY GENERAL FUNDS APPROPRIATED FOR THE PILOT PROGRAM SHALL SUPPLEMENT, AND NOT SUPPLANT, FUNDS OTHERWISE APPROPRIATED FOR THE DEPARTMENT.~~

~~(I) ON OR BEFORE DECEMBER 1 EACH YEAR, THE DEPARTMENT, IN CONSULTATION WITH THE UNIVERSITY OF MARYLAND SCHOOL OF SOCIAL WORK, SHALL:~~

~~(1) COLLECT INFORMATION NECESSARY TO ASSESS THE EFFECTIVENESS OF THE PILOT PROGRAM, INCLUDING:~~

~~(I) THE COST OF THE PILOT PROGRAM BY COUNTY;~~

~~(II) THE NUMBER OF RECIPIENTS RECEIVING FIP BENEFITS AFTER RECEIVING TRANSITIONAL ASSISTANCE UNDER THE PILOT PROGRAM;~~

~~(III) THE EMPLOYMENT STATUS AND WAGE EARNINGS OF RECIPIENTS; AND~~

~~(IV) ANY CHANGE IN EMPLOYMENT STATUS AND WAGE EARNINGS OF RECIPIENTS AFTER RECEIVING TRANSITIONAL ASSISTANCE UNDER THE PILOT PROGRAM; AND~~

~~(2) REPORT ITS FINDINGS TO THE SENATE FINANCE COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.~~

~~(J) THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT THE PILOT PROGRAM, INCLUDING REGULATIONS SPECIFYING:~~

~~(1) ELIGIBILITY AND SELECTION CRITERIA FOR PARTICIPANTS; AND~~

~~(2) QUALIFYING EDUCATIONAL AND TRAINING ACTIVITIES.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019. It shall remain effective for a period of 5 years and, at the end of June 30, 2024, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.~~