



House of Representatives

General Assembly

File No. 507

January Session, 2021

Substitute House Bill No. 6635

House of Representatives, April 19, 2021

The Committee on Human Services reported through REP. ABERCROMBIE of the 83rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING TEMPORARY FAMILY ASSISTANCE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-112 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2021*):

3 (a) The Department of Social Services shall administer a temporary
4 family assistance program under which cash assistance shall be
5 provided to eligible families in accordance with the temporary
6 assistance for needy families program, established pursuant to the
7 Personal Responsibility and Work Opportunity Reconciliation Act of
8 1996. The Commissioner of Social Services may operate portions of the
9 temporary family assistance program as a solely state-funded program,
10 separate from the federal temporary assistance for needy families
11 program, if the commissioner determines that doing so will enable the
12 state to avoid fiscal penalties under the temporary assistance for needy
13 families program. Families receiving assistance under the solely state-
14 funded portion of the temporary family assistance program shall be

15 subject to the same conditions of eligibility as those receiving assistance
16 under the federal temporary assistance for needy families program.
17 Under the temporary family assistance program, benefits shall be
18 provided to a family for not longer than [twenty-one] sixty months,
19 except as provided in [subsections (b) and (c)] subsection (b) of this
20 section. For the purpose of calculating said [twenty-one-month] sixty-
21 month time limit: [, months]

22 (1) Months of assistance received on and after January 1, 1996,
23 pursuant to time limits under the aid to families with dependent
24 children program, shall be included, provided any months of temporary
25 family assistance received during the public health emergency declared
26 by Governor Ned Lamont related to the COVID-19 pandemic shall not
27 be included. For purposes of this section, "family" means one or more
28 individuals who apply for or receive assistance together under the
29 temporary family assistance program. If the commissioner determines
30 that federal law allows individuals not otherwise in an eligible covered
31 group for the temporary family assistance program to become covered,
32 such family may also, at the discretion of the commissioner, be
33 composed of [(1)] (A) a pregnant woman, or [(2)] (B) a parent, both
34 parents or other caretaker relative and at least one child who is under
35 the age of eighteen, or who is under the age of nineteen and a full-time
36 student in a secondary school or its equivalent. A caretaker relative shall
37 be related to the child or children by blood, marriage or adoption or
38 shall be the legal guardian of such a child or pursuing legal proceedings
39 necessary to achieve guardianship. If the commissioner elects to allow
40 state eligibility consistent with any change in federal law, the
41 commissioner may administratively transfer any qualifying family
42 cases under the cash assistance portion of the state-administered general
43 assistance program to the temporary family assistance program without
44 regard to usual eligibility and enrollment procedures. If such families
45 become an ineligible coverage group under the federal law, the
46 commissioner shall administratively transfer such families back to the
47 cash assistance portion of the state-administered general assistance
48 program without regard to usual eligibility and enrollment procedures
49 to the degree that such families are eligible for the state program; [.]

50 [(b) The Commissioner of Social Services shall exempt a family from
51 such time-limited benefits for circumstances including, but not limited
52 to: (1) A family with a needy caretaker relative who is incapacitated or
53 of an advanced age, as defined by the commissioner, if there is no other
54 nonexempt caretaker relative in the household; (2) a family with a needy
55 caretaker relative who is needed in the home because of the incapacity
56 of another member of the household, if there is no other nonexempt
57 caretaker relative in the household; (3) a family with a caretaker relative
58 who is not legally responsible for the dependent children in the
59 household if such relative's needs are not considered in calculating the
60 amount of the benefit and there is no other nonexempt caretaker relative
61 in the household; (4) a family with a caretaker relative caring for a child
62 who is under one year of age and who was born not more than ten
63 months after the family's enrollment if there is no other nonexempt
64 caretaker relative in the household; (5) a family with a pregnant or
65 postpartum caretaker relative if a physician has indicated that such
66 relative is unable to work and there is no other nonexempt caretaker
67 relative in the household; (6) a family with a caretaker relative
68 determined by the commissioner to be unemployable and there is no
69 other nonexempt caretaker relative in the household; and (7) minor
70 parents attending and satisfactorily completing high school or high
71 school equivalency programs.

72 (c) A family who is subject to time-limited benefits may petition the
73 Commissioner of Social Services for six-month extensions of such
74 benefits. The commissioner shall grant not more than two extensions to
75 such family who has made a good faith effort to comply with the
76 requirements of the program and despite such effort has a total family
77 income at a level below the payment standard, or has encountered
78 circumstances preventing employment including, but not limited to: (1)
79 Domestic violence or physical harm to such family's children; or (2)
80 other circumstances beyond such family's control. The commissioner
81 shall disregard ninety dollars of earned income in determining
82 applicable family income. The commissioner may grant a subsequent
83 six-month extension if each adult in the family meets one or more of the
84 following criteria: (A) The adult is precluded from engaging in

85 employment activities due to domestic violence or another reason
86 beyond the adult's control; (B) the adult has two or more substantiated
87 barriers to employment including, but not limited to, the lack of
88 available child care, substance abuse or addiction, severe mental or
89 physical health problems, one or more severe learning disabilities,
90 domestic violence or a child who has a serious physical or behavioral
91 health problem; (C) the adult is working thirty-five or more hours per
92 week, is earning at least the minimum wage and continues to earn less
93 than the family's temporary family assistance payment standard; or (D)
94 the adult is employed and works less than thirty-five hours per week
95 due to (i) a documented medical impairment that limits the adult's
96 hours of employment, provided the adult works the maximum number
97 of hours that the medical condition permits, or (ii) the need to care for a
98 disabled member of the adult's household, provided the adult works the
99 maximum number of hours the adult's caregiving responsibilities
100 permit. Families receiving temporary family assistance shall be notified
101 by the department of the right to petition for such extensions.
102 Notwithstanding the provisions of this section, the commissioner shall
103 not provide benefits under the state's temporary family assistance
104 program to a family that is subject to the twenty-one month benefit limit
105 and has received benefits beginning on or after October 1, 1996, if such
106 benefits result in that family's receiving more than sixty months of time-
107 limited benefits unless that family experiences domestic violence, as
108 defined in Section 402(a)(7)(B), P.L. 104-193. For the purpose of
109 calculating said sixty-month limit: (I)]

110 (2) A month shall count toward the limit if the family receives
111 assistance for any day of the month; [J] and [(II) a]

112 (3) A month in which a family receives temporary assistance for
113 needy families benefits that are issued from a jurisdiction other than
114 Connecticut shall count toward the limit.

115 (b) The Commissioner of Social Services may exempt a family from
116 time-limited benefits for circumstances including, but not limited to: (1)
117 A family with a needy caretaker relative who is incapacitated or of an

118 advanced age, as defined by the commissioner, if there is no other
119 nonexempt caretaker relative in the household; (2) a family with a needy
120 caretaker relative who is needed in the home because of the incapacity
121 of another member of the household, if there is no other nonexempt
122 caretaker relative in the household; (3) a family with a caretaker relative
123 who is not legally responsible for the dependent children in the
124 household if such relative's needs are not considered in calculating the
125 amount of the benefit and there is no other nonexempt caretaker relative
126 in the household; (4) a family with a caretaker relative caring for a child
127 who is under one year of age if there is no other nonexempt caretaker
128 relative in the household; (5) a family with a pregnant or postpartum
129 caretaker relative if a physician has indicated that such relative is unable
130 to work and there is no other nonexempt caretaker relative in the
131 household; (6) a family with a caretaker relative determined by the
132 commissioner to be unemployable and there is no other nonexempt
133 caretaker relative in the household; (7) minor parents attending and
134 satisfactorily completing high school or high school equivalency
135 programs; and (8) a family that has encountered circumstances
136 preventing employment including, but not limited to, domestic
137 violence.

138 [(d)] (c) Under said program, [(1)] no family shall be eligible that has
139 total gross earnings exceeding the federal poverty level, however, in the
140 calculation of the benefit amount for eligible families and previously
141 eligible families that become ineligible temporarily because of receipt of
142 workers' compensation benefits by a family member who subsequently
143 returns to work immediately after the period of receipt of such benefits,
144 earned income shall be disregarded up to the federal poverty level.];
145 and (2) the increase in benefits to a family in which an infant is born after
146 the initial ten months of participation in the program shall be limited to
147 an amount equal to fifty per cent of the average incremental difference
148 between the amounts paid per each family size. Except when
149 determining eligibility for a six-month extension of benefits pursuant to
150 subsection (c) of this section, the] The commissioner shall disregard the
151 first fifty dollars per month of income attributable to current child
152 support that a family receives in determining eligibility and benefit

153 levels for temporary family assistance. Any current child support in
154 excess of fifty dollars per month collected by the department on behalf
155 of an eligible child shall be considered in determining eligibility but
156 shall not be considered when calculating benefits and shall be taken as
157 reimbursement for assistance paid under this section, except that when
158 the current child support collected exceeds the family's monthly award
159 of temporary family assistance benefits plus fifty dollars, the current
160 child support shall be paid to the family and shall be considered when
161 calculating benefits.

162 [(e)] (d) A family receiving assistance under said program shall
163 cooperate with child support enforcement, under title IV-D of the Social
164 Security Act. A family shall be ineligible for benefits for failure to
165 cooperate with child support enforcement.

166 [(f)] (e) A family leaving assistance at the end of [(1) said twenty-one-
167 month time limit, including a family with income above the payment
168 standard, or (2)] the sixty-month limit shall have an interview for the
169 purpose of being informed of services that may continue to be available
170 to such family, including employment services available through the
171 Labor Department. [Said] Such interview shall [contain] include a
172 determination of: [benefits] (1) Benefits available to [said] the family
173 provided by the Department of Social Services, [. Said interview shall
174 also include a determination of] and (2) whether such family is eligible
175 for supplemental nutrition assistance or Medicaid. Information and
176 referrals shall be made to such a family for services and benefits
177 including, but not limited to, the earned income tax credit, rental
178 subsidies, emergency housing, employment services and energy
179 assistance.

180 (f) Notwithstanding section 17b-104, commencing on July 1, 2021, the
181 Commissioner of Social Services shall provide an annual cost-of-living
182 adjustment in temporary family assistance benefits equal to the most
183 recent percentage increase in the consumer price index for urban
184 consumers whenever funds appropriated for temporary family
185 assistance lapse at the close of any fiscal year and are sufficient to cover

186 such adjustment. The commissioner shall provide a prorated benefit
187 increase from available lapsed funds in any fiscal year when such funds
188 are not sufficient to cover a cost-of-living adjustment in accordance with
189 this subsection.

190 (g) An applicant or recipient of temporary family assistance who is
191 adversely affected by a decision of the Commissioner of Social Services
192 may request and shall be provided a hearing in accordance with section
193 17b-60.

194 Sec. 2. Subsection (a) of section 17b-112b of the general statutes is
195 repealed and the following is substituted in lieu thereof (*Effective July 1,*
196 *2021*):

197 (a) An applicant or recipient who is a past or present victim of
198 domestic violence or at risk of further domestic violence, pursuant to
199 subsection (c) of section 17b-112a, shall, for good cause: (1) Be excused
200 from failing to participate in a work activity; or (2) be exempted from
201 child support enforcement requirements pursuant to subsection [(e)] (d)
202 of section 17b-112, as amended by this act. Such an applicant or recipient
203 may, for good cause, be granted an extension of cash assistance, [beyond
204 twenty-one months,] provided the domestic violence experienced is of
205 sufficient magnitude to reasonably render the individual unable to
206 obtain or maintain employment.

207 Sec. 3. Section 17b-112e of the general statutes is repealed and the
208 following is substituted in lieu thereof (*Effective July 1, 2021*):

209 (a) The Department of Social Services shall provide safety net services
210 for certain families identified as having significant barriers to
211 employment and families who are at risk of losing benefits under the
212 temporary family assistance program or no longer receiving program
213 benefits. To be eligible for safety net services, such families shall: (1)
214 Have been identified as having significant barriers to employment
215 during the initial assessment by the department's eligibility worker or
216 during the first twelve months of employment services by an
217 employment services case manager; (2) have made a good faith effort to

218 seek and maintain employment but have not been able to do so or be at
219 risk of failing to complete the employment services program; or (3) have
220 exhausted their eligibility for temporary family assistance program
221 benefits. [; or (4) not be eligible for six-month extensions of temporary
222 family assistance benefits due to: (A) The receipt of two sanctions from
223 the department during the first twenty months of the twenty-one-month
224 time limit of said temporary family assistance program; or (B) the
225 determination by the department that such a family has not made a
226 good faith effort to seek and maintain employment.]

227 (b) Said safety net shall consist of services provided through the
228 existing community service delivery network with additional resources
229 provided by the Department of Social Services. Services shall be
230 provided in-kind or through vendor or voucher payment. Services may
231 include the following: (1) Food, shelter, clothing and employment
232 assistance; (2) eviction prevention; (3) an in-depth family needs
233 assessment; (4) intensive case management that includes visits to the
234 family's home; (5) continuous monitoring for child abuse or neglect; and
235 (6) for families at risk of losing benefits under the temporary family
236 assistance program, individual performance contracts administered by
237 the Labor Department that require job training, job searching, volunteer
238 work, participation in parenting programs or counseling or any other
239 requirements deemed necessary by the Labor Commissioner.

240 (c) Families successfully meeting the program requirements
241 established by the individual performance contracts in subdivision (6)
242 of subsection (b) of this section [prior to the end of the twenty-one-
243 month time limit] shall be considered to have made a good faith effort
244 to comply with the requirements of the program, [for the purposes of
245 qualifying for a six-month extension,] provided they have made a good
246 faith effort to comply with the individual performance contract or have
247 not incurred a sanction subsequent to completing the individual
248 performance contract.

249 (d) The Commissioner of Social Services shall implement policies and
250 procedures necessary for the purposes of this section while in the

251 process of adopting such policies and procedures in regulation form,
252 provided the commissioner [prints] posts notice of intention to adopt
253 the regulations [in the Connecticut Law Journal within twenty days of]
254 on the eRegulations System and the department's Internet web site not
255 later than twenty days after implementing such policies and procedures.
256 Policies and procedures implemented pursuant to this subsection shall
257 be valid until the time final regulations are effective.

258 Sec. 4. Subsection (b) of section 17b-688c of the general statutes is
259 repealed and the following is substituted in lieu thereof (*Effective July 1,*
260 *2021*):

261 (b) In no event shall temporary family assistance be granted to an
262 applicant for such assistance, who is not exempt from participation in
263 the employment services program, prior to the applicant's attendance at
264 an initial scheduled employment services assessment interview and
265 participation in the development of an employment services plan. The
266 Department of Social Services shall not delay temporary family
267 assistance to an applicant in cases where the department schedules the
268 initial employment services assessment interview more than ten
269 business days after the date on which application for assistance is made,
270 or in cases where the Labor Department does not complete an
271 employment services plan for the benefit of the applicant within ten
272 business days of the date on which the applicant attends an employment
273 services assessment interview. The Commissioner of Social Services
274 shall refer any applicant denied temporary family assistance, who may
275 be in need of emergency benefits, to other services offered by the
276 Department of Social Services or community services that may be
277 available to such applicant. The Department of Social Services shall
278 reduce the benefits awarded to a family under the temporary family
279 assistance program when a member of the family who is required to
280 participate in employment services fails to comply with an employment
281 services requirement without good cause. The first instance of
282 noncompliance with an employment services requirement shall result
283 in a twenty-five per cent reduction of such benefits for three consecutive
284 months. The second instance of noncompliance with such requirement

285 shall result in a thirty-five per cent reduction of such benefits for three
 286 consecutive months. A third or subsequent instance of noncompliance
 287 with such requirement shall result in the termination of such benefits
 288 for three consecutive months. If only one member of a family is eligible
 289 for temporary family assistance and such member fails to comply with
 290 an employment services requirement, the department shall terminate all
 291 benefits of such family for three consecutive months. Notwithstanding
 292 the provisions of this subsection, the department shall terminate the
 293 benefits awarded to a family under the temporary family assistance
 294 program if a member of the family who is not exempt from the [twenty-
 295 one-month] sixty-month time limit specified in subsection (a) of section
 296 17b-112 fails, without good cause, to: (1) Attend any scheduled
 297 assessment appointment or interview relating to the establishment of an
 298 employment services plan, except that such individual's benefits shall
 299 be reinstated if the individual attends a subsequently scheduled
 300 appointment or interview within thirty days of the date on which the
 301 department has issued notification to the individual that benefits have
 302 been terminated, or (2) comply with an employment services
 303 requirement. [during a six-month extension of benefits.] Any individual
 304 who fails to comply with the provisions of subdivision (1) of this
 305 subsection may submit a new application for such benefits at any time
 306 after termination of benefits.

307 Sec. 5. Section 17b-112k of the general statutes is repealed. (*Effective*
 308 *from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2021</i>	17b-112
Sec. 2	<i>July 1, 2021</i>	17b-112b(a)
Sec. 3	<i>July 1, 2021</i>	17b-112e
Sec. 4	<i>July 1, 2021</i>	17b-688c(b)
Sec. 5	<i>from passage</i>	Repealer section

HS *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Resources of the General Fund	GF - Potential Revenue Loss	\$760,000	\$1.6 million
Social Services, Dept.	GF - Cost	At least \$5.4 million	At least \$5.4 million

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill increases the length of time, from 21 months with extensions to 60 months (the federal maximum), that a family subject to time limits can receive TFA benefits. This results in a cost to the Department of Social Services (DSS) of at least \$5 million annually. DSS will incur additional costs if former clients re-enroll in the program. The agency may incur additional costs for system adjustments to reflect eligibility changes.

The bill also increases the benefit amount paid to families for children born while enrolled in the program by eliminating the "family cap" provision. This results in a cost to DSS of approximately \$400,000 annually.

The bill also requires DSS to provide a Cost-of-Living Adjustment (COLA) whenever funds appropriated for TFA lapse and are sufficient to cover the adjustment. This could result in a revenue loss to the Resources of the General Fund by expending funds that would otherwise lapse. The COLA must be equal to the most recent percentage

increase in the Consumer Price Index for Urban Consumers (CPI-U). The value of the COLA is estimated to be \$760,000 in FY 22 and \$1.6 million in FY 23, assuming lapsing funds are available.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to program enrollment, the availability of lapsing funds, and the change in CPI-U.

OLR Bill Analysis**sHB 6635*****AN ACT CONCERNING TEMPORARY FAMILY ASSISTANCE.*****SUMMARY**

This bill makes several changes to Temporary Family Assistance (TFA, see BACKGROUND), the state's cash assistance program for low-income families administered by the Department of Social Services (DSS). Principally, it extends the time limit for TFA benefits from 21 months, with extensions given under certain circumstances, to 60 months with most extensions eliminated.

The bill modifies existing time-limit exemptions by, among other things, making them discretionary and excluding benefits received during the declared COVID-19 public health emergency from the time limit. It requires benefit increases to be provided whenever the program lapses funds at the end of the fiscal year. In addition, it eliminates penalties for families with children born after program enrollment.

The bill repeals an inactive pilot program to provide case management and additional supports to up to 100 TFA recipients participating in its employment services program.

Lastly, the bill replaces a reference to the Connecticut Law Journal, instead requiring DSS to post notices of its intent to adopt regulations on its website and the eRegulations system. It also makes numerous technical and conforming changes.

EFFECTIVE DATE: July 1, 2021, except the pilot program repeal is effective upon passage.

TIME LIMITS

TFA is funded in part by the federal Temporary Assistance for Needy

Families (TANF) block grant. Federal law generally applies a 60-month lifetime limit for receiving TANF-funded cash assistance, though states may establish shorter time limits. Under current law, Connecticut generally applies a 21-month limit on receiving TFA benefits; however, families are exempt from these time limits under specified circumstances (e.g., a minor parent finishing high school). Families not exempt may apply for up to two 6-month time-limit extensions if they meet certain criteria. The bill:

1. extends the program time limit from 21 months to 60 months for all recipients and
2. eliminates all but one criterion for receiving an extension under current law: domestic violence that makes the individual unable to obtain or maintain employment (CGS § 17b-112b).

Current law requires the DSS commissioner to exempt a family from time-limited benefits for seven specified circumstances. The bill retains these exemptions but gives the commissioner discretion in granting them rather than requiring her to do so. It also adds an eighth circumstance for a possible exemption if a family has encountered circumstances preventing employment, including domestic violence.

In addition, the bill excludes from the time limit any months a family received TFA cash benefits during the declared COVID-19 public health emergency (see BACKGROUND). (Benefits received during this period still count toward the federal funding limit of 60 months, but nothing precludes the state from funding benefits beyond the federal limit.)

COST OF LIVING ADJUSTMENTS

Under the bill, beginning in FY 22, whenever TFA appropriated funds lapse at the close of any fiscal year, the bill requires the DSS commissioner to provide:

1. a cost of living adjustment (COLA) in TFA benefits equal to the most recent percentage increase in the Consumer Price Index for Urban Consumers (CPI-U) if the lapsing funds are sufficient to

cover it, or

2. a prorated benefit increase if the funds are insufficient to cover a COLA.

CHILD CAP

Under current law, Connecticut penalizes families with children born after their initial 10 months of TFA program participation by (1) reducing by 50 percent the additional cash benefit they would otherwise receive for a child and (2) prohibiting the family from qualifying for a time-limit exemption on the basis of caring for such a “capped child” under one year of age. The bill eliminates both of these penalties.

BACKGROUND

TFA Eligibility and Benefits

To be eligible for TFA, a family must (1) have a dependent child (or pregnancy) and (2) meet income and asset limits. The income limit for TFA applicants is known as the Standard of Need (SON), a monthly standard that represents the amount deemed necessary for the normal, recurring, basic needs of a family. The SON depends on the (1) applicant’s family size and (2) region of the state in which the family resides. The asset limit is \$3,000. DSS excludes certain types of income and assets when determining eligibility (e.g., life insurance policies and a car below a certain value).

The TFA benefit amount is based on a payment standard that also depends on family size and region. The monthly payment standard (the maximum benefit amount) for a family of three ranges from \$589 to \$698 (TANF State Plan, p. 52). DSS deducts certain types of income from the payment standard to calculate the monthly benefit amount (e.g., child support above \$50).

Related Executive Order

Executive Order 7N, § 6, issued March 26, 2020, excludes TFA benefits received during the declared emergencies from the statutory 21-month time limit.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Substitute

Yea 13 Nay 6 (04/01/2021)