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If the rental unit was unoccupied at that time but was occupied at any time prior to acceptance of this act, the maximum rent shall be the rent charged therefor for the month closest to and prior to six months prior to the acceptance of this by-law by town meeting.

(2) If the maximum rent is not otherwise established, it shall be established by the Board. Any maximum rent may be subsequently adjusted under the provisions of sections five and six.

SECTION 10. Violations of this by-law or any order of the board shall be punishable by a fine of not more than one thousand dollars for any one offense.

SECTION 11. If any provisions of this by-law shall be held invalid, the validity of the remainder of this by-law shall not be affected thereby.

Approved October 27, 1983.

EMERGENCY LETTER - November 18, 1983 @ 1:09 P.M.

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Chap. 450. AN ACT FURTHER REGULATING ASSISTANCE TO CERTAIN NEEDY PERSONS.

Be it enacted, etc., as follows:

SECTION 1. Section 2 of chapter 18 of the General Laws is hereby amended by striking out subsection (D), as most recently amended by section 3 of chapter 765 of the acts of 1979, and inserting in place thereof the following subsection:-

(D) The department shall administer a program of emergency assistance to needy families with children and pregnant women with no other children, subject to and in accordance with the provisions of the Social Security Act of 1935, as defined in 42 USC 606(e), to provide benefits to avoid destitution or to provide living arrangements in a home. The commonwealth shall accept matching funds from the appropriate federal authorities for said program.

Said program of emergency assistance shall assist eligible families to prevent destitution or to provide living arrangements in the home.

The department shall promulgate rules and regulations to establish the levels of benefits available under the program and to ensure simplicity of administration in the best interest of needy recipients. Such benefits shall include, but not be limited to, the following:-

(a) for the prevention of the loss of housing, the actual liability up to four times the monthly rental or mortgage liability;

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(b) for the prevention of utility shutoffs or for the resumption of utility services, up to four months of the actual service liabilities;

(c) for the provision of home heating assistance, up to four months of the actual fuel liabilities;

(d) for the prevention of homelessness, temporary shelter as necessary to alleviate homelessness when such family has no feasible alternative housing available, up to the maximum period subject to federal reimbursement; storage of furniture for up to thirty days; moving expenses of up to one hundred and fifty dollars; advance rent payments of one month's rent; and security deposit not to exceed one month's rent.

The department shall establish procedures, consistent with federal law, to require applicants for the program to also submit an application for federal energy assistance where appropriate. No benefits for a particular emergency shall be provided to an applicant family under the emergency assistance program when benefits are available within seven days of application under the federal assistance program to meet such particular emergency.

A needy family shall be eligible for assistance under the emergency assistance program if its income is within the income limits for the program of aid to families with dependent children established pursuant to chapter one hundred and eighteen.

Emergency assistance shall not be granted to a family who, at any time within one year immediately prior to the filing of an application for emergency assistance, has made an assignment or transfer of real or personal property for the purpose of becoming eligible for such assistance.

The department shall take all reasonable actions to minimize abuse and errors. Such activities shall include:-

(a) the collection and analysis of data regarding utilization patterns;

(b) the recording and tracking of use of this program by individual recipients, including, but not limited to, the utilization of a year to year cross check of recipients to determine if a person or persons has received similar benefits in the previous year or years;

(c) the utilization by the department of mechanisms, such as payment of all or part of a regular assistance grant directly to vendors, to prevent the misuse of this program, provided, however, that such mechanisms are authorized under federal or state law; and

(d) the utilization of wage reporting and bank matching systems, provided, however, that the provision of assistance shall not be delayed by such utilization.

SECTION 2. Said chapter 18 is hereby further amended by

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striking out section 22, as most recently amended by section 11 of chapter 752 of the acts of 1974, and inserting in place thereof the following section:-

Section 22. For the purpose of considering the need for service or assistance of an applicant or recipient of programs provided in accordance with chapters one hundred and seventeen, one hundred and eighteen, and one hundred and eighteen E, the department shall require the verification of all elements of categorical and financial eligibility. Such verification requirements, including home visits by workers assigned to recipients, shall be reasonable and in accordance with federal law and regulations, where applicable.

The department shall determine which verification requirements can be reasonably met by third party affidavits and shall provide notification to recipients and applicants of the circumstances when third party affidavits may be used. The department shall establish reasonable procedures for the verification of continuing eligibility, including monthly reporting and retrospective budgeting where appropriate. Except for eligibility requirements which the department has determined to be subject to frequent variation, the department shall not terminate benefits to recipients for failure to provide reverification without a reasonable belief that the condition has changed for which reverification is requested. The department shall promulgate uniform rules and regulations designating which eligibility requirements are subject to frequent variation.

SECTION 3. Section 2 of chapter 18B of the General Laws, as appearing in section 10 of chapter 552 of the acts of 1978, is hereby amended by striking out, in line 31, the word "and",- and by adding the following clause:-

(16) provide social services for families and individuals in emergency and transitional housing.

SECTION 4. Section 7 of said chapter 18B is hereby amended by adding the following subsection:-

(k) The commissioner shall, subject to appropriation, enter into contracts with nonprofit organizations to provide social services for families and individuals in emergency and transitional housing; provided, that the department, in entering into such contracts, shall provide three dollars for each dollar of donated funds which have been committed to such nonprofit organizations from any nonstate source. For the purposes of this subsection, a nonstate source may include private donations or monies from city, town or county governments but shall not include funds from other state agencies.

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SECTION 5. The third paragraph of section 24 of chapter 19 of the General Laws, as appearing in section 1 of chapter 735 of the acts of 1966, is hereby amended by inserting before the first sentence the following two sentences:- Mental health services shall include case management services, the primary purpose of which is to assure continuity of care for a patient's medical or psychiatric needs, but which may include a determination of eligibility for existing federal, state, and municipal programs to provide for social and economic needs as well. The department shall issue rules and regulations which shall govern the provision of such case management services, to be implemented and adhered to by each department catchment area; provided, however, that each patient shall have the right to confidentiality of all records and communications to the extent provided by section seventy E of chapter one hundred and eleven.

SECTION 6. The first paragraph of section 3 of chapter 23B of the General Laws, as appearing in section 1 of chapter 761 of the acts of 1968, is hereby amended by inserting after the word "areas", in line 5, the words:- review and coordinate the activities of agencies of the commonwealth as those activities relate to emergency and transitional housing;.

SECTION 7. Section 2 of chapter 117 of the General Laws, as most recently amended by chapter 36 of the acts of 1980, is hereby further amended by striking paragraph (b) and inserting in place thereof the following:-

(b) "resident", any person within the commonwealth, notwithstanding the lack of a present abode, with no present intention of definite and early removal, but not necessarily with the intention of remaining permanently; provided, however, that any such person who enters the commonwealth solely for the purposes of obtaining benefits under this chapter shall not be considered a resident; provided, however, that the department shall require proof of the person's last place of residence and proper identification from such person to determine if said person is eligible to receive benefits under this chapter.

SECTION 8. The secretary of human services shall prepare a comprehensive study and analysis to determine the financial impact of this act upon the commonwealth. Said study and analysis shall include a complete breakdown of the total cost, caseloads of the emergency assistance and general relief programs, the error rates in said program, types of services being provided, number of new employees and any other information which may be necessary to make an accurate assessment of the impact of this act upon the commonwealth. The secretary shall

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file said report with house and senate clerks thirteen months after the effective date of this act.

Approved October 27, 1983.

EMERGENCY LETTER - October 27, 1983 @ 4:28 P.M.

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**Chap. 451. AN ACT RELATIVE TO THE EMPLOYMENT SECURITY LAW.**

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately provide for the conformance of the employment security law with federal regulations, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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Be it enacted, etc., as follows:

SECTION 1. Section 6 of chapter 151A of the General Laws is hereby amended by striking out subsection (a), as amended by section 5 of chapter 720 of the acts of 1977, and inserting in place thereof the following subsection:-

(a) service in agricultural labor, except as otherwise provided in subsection (b) of section four A and section eight C; nor service performed before January first, nineteen hundred and eighty-four in agricultural labor by an individual who is an alien admitted to the United States to perform agricultural labor pursuant to section 214(c) and 101(a)(15)(H) of the Immigration and Nationality Act.

SECTION 2. Said section 6 of said chapter 151A is hereby further amended by striking out subsection (k), as amended by section 7 of chapter 940 of the acts of 1971, and inserting in place thereof the following subsection:-

(k) Service performed in the employ of a school, college, or university, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college, or university, or by the spouse of such a student, if such spouse is advised, at the time such spouse commences to perform such service, that the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and such employment will not be covered by any program of unemployment insurance; or service performed by an individual who is enrolled at a nonprofit or public educational