

HOUSE BILL No. 4409

March 10, 2011, Introduced by Reps. Horn, Kurtz, Tyler, Lyons, Knollenberg, Agema, Rendon, Moss, Franz, Yonker, Muxlow, Lori, Rogers, McMillin, Denby, Callton, Wayne Schmidt, Crawford, Outman, Somerville, Cotter, Shirkey, Genetski, MacMaster, Price, Bumstead, Scott, Pscholka, Pettalia, Poleski, Opsommer, McBroom, Glardon, Daley, Heise, O'Brien, Haveman, Potvin, Foster, Haines and Nesbitt and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1939 PA 280, entitled "The social welfare act," by amending sections 57, 57b, 57c, 57d, 57e, 57g, 57i, 57l, 57p, 57r, and 57u (MCL 400.57, 400.57b, 400.57c, 400.57d, 400.57e, 400.57g, 400.57i, 400.57l, 400.57p, 400.57r, and 400.57u), section 57 as amended and section 57p as added by 2006 PA 471, section 57b as amended and section 57u as added by 2006 PA 468, section 57c as added by 1995 PA 223, sections 57d, 57g, and 57r as amended by 2007 PA 9, section 57e as amended by 2006 PA 469, section 57i as added by 2000 PA 478, and section 57l as added by 1999 PA 17; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 57. (1) As used in this section and sections 57a to 57u:
2 (a) "Adult-supervised household" means either of the

1 following:

2 (i) The place of residence of a parent, stepparent, or legal
3 guardian of a minor parent.

4 (ii) A living arrangement not described in subparagraph (i) that
5 the department approves as a family setting that provides care and
6 control of a minor parent and his or her child and supportive
7 services including, but not limited to, counseling, guidance, or
8 supervision.

9 (b) "Caretaker" means an individual who is acting as parent
10 for a child in the absence or because of the disability of the
11 child's parent or stepparent and who is the child's legal guardian,
12 grandparent, great grandparent, great-great grandparent, sibling,
13 stepsibling, aunt, great aunt, great-great aunt, uncle, great
14 uncle, great-great uncle, nephew, niece, first cousin, or first
15 cousin once-removed, a spouse of any person listed above, a parent
16 of the putative father, or an unrelated individual aged 21 or older
17 whose appointment as legal guardian of the child is pending.

18 (c) "Child" means an individual who is not emancipated under
19 1968 PA 293, MCL 722.1 to 722.6, who lives with a parent or
20 caretaker, and who is either of the following:

21 (i) Under the age of 18.

22 (ii) Age 18 ~~or 19,~~ **AND** a full-time high school student. ~~and~~
23 ~~reasonably expected to graduate from high school before the age of~~
24 ~~20.~~

25 (d) "Family" means 1 or more of the following:

26 (i) A household consisting of a child and either of the
27 following:

1 (A) A parent or stepparent of the child.

2 (B) A caretaker of the child.

3 (ii) A pregnant woman.

4 (iii) A parent of a child in foster care.

5 (e) "Family independence **PROGRAM** assistance" means financial
6 assistance provided to a family under the family independence
7 program.

8 (f) "Family independence **PROGRAM** assistance group" means all
9 those members of a program group who receive family independence
10 **PROGRAM** assistance.

11 (g) "Family independence program" means the program of
12 financial assistance established under section 57a.

13 (h) "Family self-sufficiency plan" means a document described
14 in section 57e that is executed by a family in return for receiving
15 family independence **PROGRAM** assistance.

16 (I) **"JET PROGRAM" MEANS THE JOBS, EDUCATION AND TRAINING**
17 **PROGRAM ADMINISTERED BY THE DEPARTMENT OF LICENSING AND REGULATORY**
18 **AFFAIRS FOR APPLICANTS AND RECIPIENTS OF FAMILY INDEPENDENCE**
19 **PROGRAM ASSISTANCE OR A SUCCESSOR PROGRAM.**

20 (J) **"MEDICAL REVIEW TEAM" MEANS THE TEAM COMPOSED OF A**
21 **DISABILITY EXAMINER AND A PHYSICIAN AS A MEDICAL CONSULTANT WHO**
22 **CERTIFIES DISABILITY FOR THE PURPOSE OF ELIGIBILITY FOR ASSISTANCE**
23 **UNDER THIS ACT.**

24 (K) ~~(i)~~—"Minor parent" means an individual under the age of 18
25 who is not emancipated under 1968 PA 293, MCL 722.1 to 722.6, and
26 who is either the biological parent of a child living in the same
27 household or a pregnant woman.

1 (I) ~~(j)~~—"Payment standard" means the standard upon which family
2 independence program **ASSISTANCE** benefits are based if the family
3 independence **PROGRAM** assistance group has no net income.

4 (M) ~~(k)~~—"Program group" means a family and all those
5 individuals living with a family whose income and assets are
6 considered for purposes of determining financial eligibility for
7 family independence **PROGRAM** assistance.

8 (N) ~~(l)~~—"Recipient" means an individual receiving family
9 independence **PROGRAM** assistance.

10 (O) ~~(m)~~—"Substance abuse" means that term as defined in
11 section 6107 of the public health code, 1978 PA 368, MCL 333.6107.

12 (P) ~~(n)~~—"Substance abuse treatment" means outpatient or
13 inpatient services or participation in alcoholics anonymous or a
14 similar program.

15 (Q) ~~(o)~~—"Supplemental security income" means the program of
16 supplemental security income provided under title XVI.

17 ~~——(p) "Work first" means the program of employment and training~~
18 ~~administered by the department of labor and economic growth for~~
19 ~~applicants and recipients of family independence assistance.~~

20 (2) A reference in this act to "aid to dependent children" or
21 "aid to families with dependent children" means "family
22 independence program assistance".

23 Sec. 57b. (1) ~~Subject to section 57l,~~ an **AN** individual who
24 meets all of the following requirements is eligible for family
25 independence **PROGRAM** assistance:

26 (a) Is a member of a family or a family independence **PROGRAM**
27 assistance group.

1 (b) Is a member of a program group whose income and assets are
2 less than the income and asset limits set by the department.

3 (c) In the case of a minor parent, meets the requirements of
4 subsection (2).

5 (d) Is a United States citizen, a permanent resident alien, or
6 a refugee. **IF THE APPLICANT INDICATES THAT HE OR SHE IS NOT A**
7 **UNITED STATES CITIZEN, THE DEPARTMENT SHALL VERIFY THE APPLICANT'S**
8 **IMMIGRATION STATUS USING THE FEDERAL SYSTEMATIC ALIEN VERIFICATION**
9 **FOR ENTITLEMENTS (SAVE) PROGRAM.**

10 (e) Is a resident of this state as described in section 32.

11 (f) Meets any other eligibility criterion required for the
12 receipt of federal or state funds or determined by the department
13 to be necessary for the accomplishment of the goals of the family
14 independence program.

15 (2) A minor parent and the minor parent's child shall not
16 receive family independence **PROGRAM** assistance unless they live in
17 an adult-supervised household. The family independence **PROGRAM**
18 assistance shall be paid on behalf of the minor parent and child to
19 an adult in the adult-supervised household. Child care in
20 conjunction with participation in education, employment readiness,
21 training, or employment programs, ~~which~~**THAT** have been approved by
22 the department, shall be provided for the minor parent's child. The
23 minor parent and child shall live with the minor parent's parent,
24 stepparent, or legal guardian unless the department determines that
25 there is good cause for not requiring the minor parent and child to
26 live with a parent, stepparent, or legal guardian. The department
27 shall determine the circumstances that constitute good cause, based

1 on a parent's, stepparent's, or guardian's unavailability or
2 unwillingness or based on a reasonable belief that there is
3 physical, sexual, or substance abuse, or domestic violence,
4 occurring in the household, or that there is other risk to the
5 physical or emotional health or safety of the minor parent or
6 child. If the department determines that there is good cause for
7 not requiring a minor parent to live with a parent, stepparent, or
8 legal guardian, the minor parent and child shall live in another
9 adult-supervised household. A local office director may waive the
10 requirement set forth in this subsection with respect to a minor
11 parent who is at least 17 years of age, attending secondary school
12 full-time, and participating in a department service plan or a teen
13 parenting program, if moving would require the minor parent to
14 change schools.

15 (3) ~~Beginning December 31, 2006, if~~ **IF** a recipient who is
16 otherwise eligible for family independence **PROGRAM** assistance under
17 this section is currently applying for supplemental security income
18 and seeking exemption from the ~~work first~~ **JET** program, the
19 recipient shall be evaluated and assessed as provided in this
20 section before a family self-sufficiency plan is developed under
21 section 57e. Based on a report resulting from the evaluation and
22 assessment, the caseworker shall make a determination and referral
23 as follows:

24 (a) A determination that the recipient is eligible to
25 participate in ~~work first~~ **THE JET PROGRAM** and a referral to the
26 ~~work first~~ **JET** program.

27 (b) A determination that the recipient is exempt from ~~work~~

1 ~~first-JET PROGRAM~~ participation under section 57f and a referral to
2 a sheltered work environment or subsidized employment.

3 (c) A determination that the recipient is exempt from ~~work~~
4 ~~first-JET PROGRAM~~ participation under section 57f and a referral ~~to~~
5 ~~a legal services organization~~ for supplemental security income
6 advocacy.

7 (4) The department may contract with a legal services
8 organization to assist recipients with the process for applying for
9 supplemental security income. The department may also contract with
10 a nonprofit rehabilitation organization to perform the evaluation
11 and assessment described under subsection (3). If the department
12 contracts with either a nonprofit legal or rehabilitation services
13 organization, uniform contracts shall be used statewide that
14 include, but are not limited to, uniform rates and performance
15 measures.

16 (5) The auditor general shall conduct an annual audit of the
17 evaluation and assessment process required under this section and
18 submit a report of his or her findings to the legislature.

19 Sec. 57c. If a minor parent applies for family independence
20 **PROGRAM** assistance, the ~~family independence agency~~ **DEPARTMENT** shall
21 do all of the following:

22 (a) Inform the minor parent of the eligibility requirements of
23 section 57b(2) and the circumstances under which there is good
24 cause for permitting the minor parent to live in an adult-
25 supervised household other than the home of his or her parent or
26 legal guardian.

27 (b) Complete a home visit ~~and~~ **OR** other appropriate

1 investigation before requiring a minor parent to live with his or
2 her parent, stepparent, or legal guardian.

3 (c) If applicable, assist the minor parent to find an adult-
4 supervised household in which to live.

5 (D) **INFORM THE MINOR PARENT OF THE REQUIREMENT TO ATTEND**
6 **SCHOOL FULL-TIME.**

7 Sec. 57d. (1) The department and the department of ~~labor and~~
8 ~~economic growth~~ **LICENSING AND REGULATORY AFFAIRS** shall conduct
9 weekly orientation sessions for family independence **PROGRAM**
10 assistance applicants. After the department makes an initial
11 determination that an adult or a child aged 16 or older who is not
12 attending elementary or secondary school full-time may be eligible
13 for family independence **PROGRAM** assistance and is not exempt from
14 ~~work first~~ **JET PROGRAM** participation under section 57f, that
15 individual shall participate in assigned work-related activities.
16 The individual, the department, and a ~~work first~~ **JET PROGRAM**
17 representative shall develop the family's family self-sufficiency
18 plan in accordance with section 57e.

19 (2) If an applicant who is not exempt from ~~work first~~ **JET**
20 **PROGRAM** participation under section 57f fails to cooperate with
21 ~~work first~~ **THE JET PROGRAM** or other required employment and
22 training activities, the family is ineligible for family
23 independence **PROGRAM** assistance.

24 ~~— (3) The department shall impose penalties under section 57g if~~
25 ~~a recipient fails to comply with any of the following:~~

26 ~~— (a) Work first activities.~~

27 ~~— (b) Employment and training activities.~~

1 ~~———— (c) Child support requirements.~~

2 (3) ~~(4)~~—The department shall impose penalties under section
3 57g if the individual fails to comply with the individual's family
4 self-sufficiency ~~plan's requirements~~ **PLAN**.

5 (4) ~~(5)~~—If the individual is complying with the family self-
6 sufficiency plan, the department, a ~~work first~~ **JET PROGRAM**
7 representative, and the recipient ~~shall~~ **MAY** revise the family self-
8 sufficiency plan if necessary and the family independence **PROGRAM**
9 assistance group shall continue to receive family independence
10 **PROGRAM** assistance so long as the recipients meet family
11 independence **PROGRAM** assistance ~~program~~ requirements.

12 (5) ~~(6)~~—The department shall reassess the recipient's
13 eligibility for family independence **PROGRAM** assistance ~~not later~~
14 ~~than 24~~ **EVERY 12** months after the date the application for family
15 independence **PROGRAM** assistance was approved. At the time of a
16 reassessment under this subsection, the recipient shall meet with
17 his or her ~~department~~ caseworker and ~~work first~~ **JET** program
18 ~~caseworker~~ **REPRESENTATIVE** and redevelop the family self-sufficiency
19 plan.

20 Sec. 57e. (1) Each family receiving family independence
21 **PROGRAM** assistance shall execute a family self-sufficiency plan
22 outlining the responsibilities of members of the family
23 independence program assistance group, the contractual nature of
24 family independence program assistance, and the focus on the goal
25 of attaining self-sufficiency. The family self-sufficiency plan
26 shall be developed by the department and the adult family members
27 of the family independence **PROGRAM** assistance ~~program~~ group with

1 the details of ~~work first~~ **JET PROGRAM** participation to be included
2 in the family self-sufficiency plan being developed by the
3 department, the department of ~~labor and economic growth~~ **LICENSING**
4 **AND REGULATORY AFFAIRS**, and the adult family members of the family
5 independence **PROGRAM** assistance ~~program~~ group. Except as described
6 in section 57b, the department shall complete a thorough assessment
7 to facilitate development of the family self-sufficiency plan,
8 including consideration of referral to a life skills program, and
9 determination as to whether the family independence **PROGRAM**
10 assistance ~~program~~ group's adult members are eligible to
11 participate in the ~~work first~~ **JET** program or are exempt from ~~work~~
12 ~~first~~ **JET PROGRAM** participation under section 57f. The family self-
13 sufficiency plan shall identify compliance goals that are to be met
14 by members of the family independence **PROGRAM** assistance ~~program~~
15 group and goals and responsibilities of the members of the family
16 independence **PROGRAM** assistance ~~program~~ group, the department, and
17 the ~~work first~~ **JET** program. The family self-sufficiency plan shall
18 reflect the individual needs and abilities of the particular
19 family, and shall include at least all of the following:

20 (a) The obligation of each adult and each child aged 16 or
21 older who is not attending elementary or secondary school full-time
22 to participate in the ~~work first~~ **JET** program unless exempt under
23 section 57f.

24 (b) The obligation of each minor parent who has not completed
25 secondary school to attend school.

26 (c) Except as provided in section 57f(3) **AND (4)**, the
27 obligation of each adult to engage in employment, ~~work first~~ **JET**

1 **PROGRAM** activities, education or training, community service
2 activities, or self-improvement activities, as determined
3 appropriate by the department.

4 (d) The obligation to cooperate in the establishment of
5 paternity and the procurement of child support, if applicable.

6 (e) The obligation of a recipient who fails to comply with
7 compliance goals due to substance abuse to participate in substance
8 abuse treatment and submit to any periodic drug testing required by
9 the treatment program.

10 (f) If the recipient is determined to be eligible to
11 participate in the ~~work-first-JET~~ program, the obligation that the
12 requirements of the family self-sufficiency plan must, at a
13 minimum, meet federal guidelines for work participation. Exceptions
14 may be granted if it is determined that the recipient or a family
15 member in the recipient's household has a disability that needs
16 reasonable accommodation as required by section 504 of title V of
17 the rehabilitation act of 1973, 29 USC 794, subtitle A of title II
18 of the Americans with disabilities act of 1990, 42 USC 12131 to
19 12134, or another identified barrier that interferes with the
20 recipient's ability to participate in required activities.
21 Reasonable accommodation must be made to adjust the number of
22 required hours or the types of activities required to take the
23 identified limitations into account.

24 (g) The obligation that the recipient must enroll in a GED
25 preparation program, a high school completion program, or a
26 literacy training program, if the department determines the
27 resources are available and the assessment and plan demonstrate

1 that these issues present a barrier to the recipient meeting the
2 requirements in his or her family self-sufficiency plan. This basic
3 educational skills training shall be combined with other
4 occupational skills training, whenever possible, to assure that it
5 can be counted toward federal work participation requirements.

6 (H) NOTIFICATION TO THE RECIPIENT OF THE 48-MONTH LIFETIME
7 CUMULATIVE TOTAL FOR COLLECTING FAMILY INDEPENDENCE PROGRAM
8 ASSISTANCE.

9 (I) A PROHIBITION ON USING FAMILY INDEPENDENCE PROGRAM
10 ASSISTANCE TO PURCHASE LOTTERY TICKETS, ALCOHOL, OR TOBACCO, FOR
11 GAMBLING, OR FOR ILLEGAL ACTIVITIES OR ANY OTHER NONESSENTIAL
12 ITEMS.

13 (J) ~~(h)~~ Any other obligation the department determines is
14 necessary to enable the family to achieve independence.

15 (2) The department shall monitor each family's compliance with
16 the family self-sufficiency plan.

17 ~~Sec. 57g. (1) The department shall develop a system of~~
18 ~~penalties to be imposed if a recipient fails to comply with~~
19 ~~applicable rules or the provisions of this section. Penalties may~~
20 ~~be cumulative and may include reduction of the grant, removal of an~~
21 ~~individual from the family independence assistance group, and~~
22 ~~termination of assistance to the family.~~

23 ~~—— (2) A penalty shall not be imposed if the recipient has~~
24 ~~demonstrated that there was good cause for failing to comply. The~~
25 ~~department shall determine the circumstances that constitute good~~
26 ~~cause based on factors that are beyond the control of a recipient.~~

27 ~~—— (3) Recipients who are willing to participate in activities~~

1 ~~leading to self sufficiency but who require child care or~~
2 ~~transportation in order to participate shall not be penalized if~~
3 ~~the department determines that child care or transportation is not~~
4 ~~reasonably available or provided to them.~~

5 ~~—— (4) The system of penalties developed under subsection (1)~~
6 ~~shall include both of the following:~~

7 ~~—— (a) Family independence program benefits shall be terminated~~
8 ~~if a recipient fails, without good cause, to comply with applicable~~
9 ~~child support requirements including efforts to establish paternity~~
10 ~~and obtain child support. The assistance group is ineligible for~~
11 ~~family independence program assistance for not less than 1 calendar~~
12 ~~month. After assistance has been terminated for not less than 1~~
13 ~~calendar month, assistance may be restored if the noncompliant~~
14 ~~recipient complies with child support requirements including the~~
15 ~~action to establish paternity and obtain child support.~~

16 ~~—— (b) If good cause is not determined to exist, assistance shall~~
17 ~~be terminated. After termination, the assistance group is~~
18 ~~ineligible for family independence program assistance for not less~~
19 ~~than 1 calendar month.~~

20 ~~—— (5) For the purposes of subsections (1) to (8),~~
21 ~~"noncompliance" means 1 or more of the following:~~

22 ~~—— (a) A recipient quits a job.~~

23 ~~—— (b) A recipient is fired for misconduct or for absenteeism~~
24 ~~without good cause.~~

25 ~~—— (c) A recipient voluntarily reduces the hours of employment or~~
26 ~~otherwise reduces earnings.~~

27 ~~—— (d) A recipient does not participate in work first activities.~~

1 ~~—— (6) If a recipient does not meet the recipient's individual~~
2 ~~social contract requirements, the department may impose a penalty.~~

3 ~~—— (7) After termination for noncompliance, the assistance group~~
4 ~~is ineligible for family independence program assistance for not~~
5 ~~less than 1 calendar month. After assistance has been terminated~~
6 ~~for not less than 1 calendar month, family independence program~~
7 ~~assistance may be approved if the recipient completes a willingness~~
8 ~~to comply test. For purposes of this section, "willingness to~~
9 ~~comply" means participating in work first or other self sufficiency~~
10 ~~activities for up to 40 hours within 10 working days. At the time~~
11 ~~any penalty is imposed under this section, the department shall~~
12 ~~provide the recipient written notice of his or her option to~~
13 ~~immediately reapply for family independence program benefits and~~
14 ~~that he or she may complete a "willingness to comply test" during~~
15 ~~the penalty period.~~

16 ~~—— (8) The department shall submit a report for the period~~
17 ~~between February 1, 2002 and December 31, 2002 to the legislature,~~
18 ~~the house and senate fiscal agencies, and the appropriate house and~~
19 ~~senate standing committees that handle family and children's~~
20 ~~issues, that contains all of the following information for that~~
21 ~~time period:~~

22 ~~—— (a) The number of sanctions imposed and reapplications made.~~

23 ~~—— (b) The number of family independence program cases reopened.~~

24 ~~—— (c) The number of referrals to emergency shelters by the~~
25 ~~department.~~

26 ~~—— (d) The number of sanctions imposed on families with at least~~
27 ~~1 disabled parent.~~

1 ~~_____ (c) The number of sanctions imposed on families with disabled~~
 2 ~~children.~~

3 ~~_____ (9) Subsections (1) to (8) do not apply after March 31, 2007.~~
 4 ~~Subsections (10) to (15) apply beginning April 1, 2007.~~

5 (1) ~~(10) Beginning April 1, 2007, if~~ **IF** a recipient does not
 6 meet his or her individual family self-sufficiency plan
 7 requirements and is therefore noncompliant, the department shall
 8 impose the penalties described under this section. The department
 9 shall implement a schedule of penalties for instances of
 10 noncompliance as described in this subsection. The penalties shall
 11 be as follows:

12 (a) For the first instance of noncompliance, the family is
 13 ineligible to receive family independence program assistance for
 14 not less than 3 calendar months.

15 (b) For the second instance of noncompliance, the family is
 16 ineligible to receive family independence program assistance for
 17 not less than ~~3~~ **6** calendar months.

18 (c) For the third instance of noncompliance, the family is
 19 **PERMANENTLY** ineligible to receive family independence program
 20 assistance. ~~for 12 calendar months.~~

21 (2) ~~(11)~~ For the purposes of subsections ~~(10)~~ **(1)** to ~~(16)~~ **(7)**,
 22 "noncompliance" means 1 or more of the following:

23 (a) A recipient quits a job.

24 (b) A recipient is fired for misconduct or absenteeism.

25 (c) A recipient does not participate in ~~work first~~ **JET PROGRAM**
 26 activities.

27 (d) A recipient is noncompliant with his or her family self-

1 sufficiency plan.

2 (3) ~~(12)~~—For any instance of noncompliance, the recipient
3 shall receive not less than 12 days' notice before the penalties
4 prescribed in this section are imposed. If the recipient
5 demonstrates good cause for the noncompliance during this period
6 and if the family independence specialist caseworker and the ~~work~~
7 ~~first-JET program caseworker~~ **REPRESENTATIVE** agree that good cause
8 exists for the recipient's noncompliance, a penalty shall not be
9 imposed. For the purpose of this subsection, good cause is 1 or
10 more of the following:

11 (a) The recipient suffers from a temporary debilitating
12 illness or injury or an immediate family member has a debilitating
13 illness or injury and the recipient is needed in the home to care
14 for the family member.

15 (b) The recipient lacks child care as described in section
16 407(e) (2) of the personal responsibility and work opportunity
17 reconciliation act of 1996, Public Law 104-193, 42 USC 607(e) (2).

18 (c) Either employment or training commuting time is more than
19 2 hours per day or is more than 3 hours per day when there are
20 unique and compelling circumstances, such as a salary at least
21 twice the applicable minimum wage or the job is the only available
22 job placement within a 3-hour commute per day, not including the
23 time necessary to transport a child to child care facilities.

24 (d) Transportation is not available to the recipient at a
25 reasonable cost.

26 (e) The employment or participation involves illegal
27 activities.

1 (f) The recipient is physically or mentally unfit to perform
2 the job, as documented by medical evidence or by reliable
3 information from other sources.

4 (g) The recipient is illegally discriminated against on the
5 basis of age, race, disability, gender, color, national origin, or
6 religious beliefs.

7 (h) Credible information or evidence establishes 1 or more
8 unplanned or unexpected events or factors that reasonably could be
9 expected to prevent, or significantly interfere with, the
10 recipient's compliance with employment and training requirements.

11 (i) The recipient quit employment to obtain comparable
12 employment.

13 (4) ~~(13)~~ For all instances of noncompliance resulting in
14 termination of family independence **PROGRAM** assistance for any
15 period of time described in subsection ~~(10)~~ (1), the period of time
16 the recipient is ineligible to receive family independence program
17 assistance applies toward the recipient's 48-month cumulative
18 lifetime total.

19 (5) ~~(14) Beginning April 1, 2007, for~~ **FOR** the first instance
20 that a family independence specialist caseworker determines a
21 recipient to be noncompliant, all of the following shall occur:

22 (a) The department shall notify the recipient in writing
23 within 3 business days of determining that the recipient is
24 noncompliant. The notification shall include all of the following:

25 (i) The reason the recipient has been determined to be
26 noncompliant.

27 (ii) The penalty that will be imposed for the noncompliance.

1 (iii) An opportunity for the recipient to meet in person with
2 the family independence specialist caseworker within 10 business
3 days of the determination that the recipient is noncompliant.

4 (b) If the recipient meets with a family independence
5 specialist caseworker within 10 business days, the family
6 independence specialist caseworker and the recipient ~~shall~~**MAY**
7 review and modify the family self-sufficiency plan as determined
8 necessary by the family independence specialist caseworker. The
9 family independence specialist caseworker shall discuss and provide
10 an official warning regarding penalties that shall be imposed if
11 the recipient continues to be noncompliant. The family independence
12 specialist caseworker shall inform the recipient that he or she
13 must verify compliance with his or her family self-sufficiency plan
14 within 10 business days.

15 (c) If the recipient fails to meet with the family
16 independence specialist caseworker within 10 business days of the
17 determination that the recipient is noncompliant, the recipient is
18 subject to the provisions of subsection ~~(10)(a)~~**(1) (A)**.

19 (d) If the recipient fails to verify compliance under
20 subdivision (b), the recipient is subject to the provisions of
21 subsection ~~(10)(a)~~**(1) (A)**.

22 (6) ~~(15)~~The meeting described in subsection ~~(14)~~**(5)** is only
23 available for the first time a family independence specialist
24 caseworker determines the recipient to be noncompliant regardless
25 of whether that recipient becomes subject to the provisions of
26 subsection ~~(10)(a)~~**(1) (A)**.

27 (7) ~~(16)~~Family independence program **ASSISTANCE** benefits shall

1 be terminated if a recipient fails, without good cause, to comply
2 with applicable child support requirements including efforts to
3 establish paternity and obtain child support. The **FAMILY**
4 **INDEPENDENCE PROGRAM** assistance group is ineligible for family
5 independence program assistance for not less than 1 calendar month.
6 After **FAMILY INDEPENDENCE PROGRAM** assistance has been terminated
7 for not less than 1 calendar month, **FAMILY INDEPENDENCE PROGRAM**
8 assistance may be restored if the noncompliant recipient complies
9 with child support requirements including the action to establish
10 paternity and obtain child support.

11 ~~—— (17) This section does not apply after September 30, 2011.~~

12 Sec. 57i. (1) If a landlord or provider of housing
13 participates in the ~~family independence agency~~ **DEPARTMENT** rent
14 vrending program, the landlord shall certify that the dwelling
15 unit being provided meets all of the following requirements:

16 (a) The dwelling unit does not have a condition that would
17 facilitate the spread of a communicable disease. As used in this
18 subdivision, "communicable disease" means that term as defined in
19 section 5101 of the public health code, 1978 PA 368, MCL 333.5101.

20 (b) The dwelling unit is fit for human habitation.

21 (c) The dwelling unit is not dangerous to life or health due
22 to lack of repair of, a defect in, or the construction of a
23 drainage source or device, plumbing, lighting, ventilation, or a
24 heating source or device.

25 (2) If the ~~family independence agency~~ **DEPARTMENT** is notified
26 by an enforcing agency that a landlord or provider of housing has a
27 violation of a housing code that constitutes a hazard to the health

1 or safety of the occupants, the ~~family independence agency~~
2 **DEPARTMENT** shall terminate that landlord's or provider's
3 participation in the rent vendoring program for the dwelling unit
4 until the violation is corrected.

5 (3) A landlord or provider of housing shall not evict an
6 occupant from a dwelling unit based solely on termination of the
7 landlord's or provider's participation in the rent vendoring
8 program due to action taken by the ~~family independence agency~~
9 **DEPARTMENT** under subsection (2) **OR SUBSECTION (4)**. An occupant who
10 is evicted in violation of this subsection may bring an action in
11 any court having jurisdiction to recover treble damages, costs of
12 the action, and reasonable attorney fees.

13 (4) **IF THE DEPARTMENT IS NOTIFIED THAT A LANDLORD OR PROVIDER**
14 **OF HOUSING IS DELINQUENT ON PAYMENT OF PROPERTY TAXES OR IF THE**
15 **TITLE OF THE PROPERTY REVERTS TO THE STATE FOR NONPAYMENT OF**
16 **PROPERTY TAXES, THE DEPARTMENT SHALL TERMINATE THAT LANDLORD'S OR**
17 **PROVIDER OF HOUSING'S PARTICIPATION IN THE RENT VENDORING PROGRAM**
18 **FOR THAT PROPERTY.**

19 Sec. 57l. (1) Subject to subsection (2), the ~~family~~
20 ~~independence agency~~ **DEPARTMENT** may require substance abuse testing
21 ~~as a condition for family independence assistance eligibility under~~
22 this act.

23 ~~— (2) The family independence agency shall implement a pilot~~
24 ~~program of substance abuse testing as a condition for family~~
25 ~~independence assistance eligibility in at least 3 counties,~~
26 ~~including random substance abuse testing. It is the intent of the~~
27 ~~legislature that a statewide program of substance abuse testing of~~

1 ~~family independence assistance recipients, including random~~
2 ~~substance abuse testing, be implemented before April 1, 2003.~~
3 ~~However, statewide implementation of the substance abuse testing~~
4 ~~program shall not begin until all of the following have been~~
5 ~~completed:~~

6 ~~—— (a) The pilot programs have first been evaluated by the~~
7 ~~department and the evaluation has been submitted to the~~
8 ~~legislature.~~

9 ~~—— (b) The evaluation under subdivision (a) includes at least the~~
10 ~~factors enumerated in subsection (5)(a) through (d) as well as an~~
11 ~~analysis of the pilot program.~~

12 ~~—— (c) Six months have passed since the evaluation required in~~
13 ~~subdivision (a) has been submitted to the legislature.~~

14 ~~—— (3) An individual described in section 57b shall not be~~
15 ~~considered to have tested positive for substance abuse until the~~
16 ~~sample has been retested to rule out a false positive by gas~~
17 ~~chromatography with mass spectrometry, gas chromatography, high~~
18 ~~performance liquid chromatography, or an equally, or more, specific~~
19 ~~test using the same sample obtained for the original test.~~

20 **(2) THE DEPARTMENT SHALL IMPLEMENT A SUBSTANCE ABUSE TESTING**
21 **PROGRAM FOR FAMILY INDEPENDENCE PROGRAM ASSISTANCE. SUBSTANCE ABUSE**
22 **TESTING SHALL BE ORDERED ONLY FOR RECIPIENTS FOR WHOM THE**
23 **DEPARTMENT HAS A REASONABLE SUSPICION OF SUBSTANCE ABUSE.**

24 **(3) An individual described in section 57b who tests positive**
25 **for substance abuse under this section shall agree to and**
26 **participate in substance abuse assessment and comply with a**
27 **required substance abuse treatment plan. Failure to comply with a**

1 substance abuse assessment or treatment plan shall be penalized in
 2 the same manner as a ~~work first~~ **JET** program violation imposed under
 3 section 57d or 57g. An individual is exempt from substance abuse
 4 testing authorized by this section if the individual is
 5 participating in a substance abuse rehabilitation program that the
 6 individual was ordered to participate in by a circuit court that
 7 has established procedures to expedite the closing of criminal
 8 cases involving a crime established under part 74 of the public
 9 health code, 1978 PA 368, MCL 333.7401 to 333.7461.

10 ~~—— (4) Before implementing substance abuse testing under this~~
 11 ~~section, the family independence agency shall notify the senate and~~
 12 ~~house of representatives standing committees having jurisdiction~~
 13 ~~over this act and the senate and house of representatives~~
 14 ~~appropriations subcommittees having jurisdiction over the family~~
 15 ~~independence agency budget of the planned implementation.~~

16 (4) ~~(5)~~ If the ~~family independence agency~~ **DEPARTMENT**
 17 implements substance abuse testing as authorized and required by
 18 this section, the ~~family independence agency~~ **DEPARTMENT** shall
 19 submit an annual report on the testing program to the senate and
 20 house of representatives standing committees having jurisdiction
 21 over this act and the senate and house of representatives
 22 appropriations subcommittees having jurisdiction over the ~~family~~
 23 ~~independence agency~~ **DEPARTMENT** budget. The annual report shall
 24 include at least all of the following information for the preceding
 25 year:

26 (a) The number of individuals tested, the substances tested
 27 for, the results of the testing, and the number of referrals for

1 treatment.

2 (b) The costs of the testing and the resulting treatment.

3 (c) Sanctions, if any, that have been imposed on recipients as
4 a result of the testing program.

5 ~~—— (d) The percentage and number of households receiving family
6 independence assistance that include an individual who has tested
7 positive for substance abuse under the program and that also
8 include an individual who has been named as a perpetrator in a case
9 classified as a central registry case under the child protection
10 law, 1975 PA 238, MCL 722.621 to 722.638.~~

11 (5) ~~(6)~~ The substance abuse testing authorized and required by
12 this section does not apply to an individual 65 years old or older.

13 (6) **FOR PURPOSES OF THIS SECTION ONLY, "REASONABLE SUSPICION"**
14 **INCLUDES, BUT IS NOT LIMITED TO, 1 OR MORE OF THE FOLLOWING:**

15 (A) **VISIBLE INTOXICATION OF THE RECIPIENT.**

16 (B) **A SUBSTANCE ABUSE-RELATED CONVICTION.**

17 (C) **INFORMATION THAT A RECIPIENT IS ENGAGED IN CONDUCT**
18 **PROSCRIBED UNDER PART 74 OF THE PUBLIC HEALTH CODE, 1978 PA 368,**
19 **MCL 333.7401 TO 333.7461.**

20 (D) **OTHER SIGNS OF SUBSTANCE ABUSE.**

21 Sec. 57p. ~~(1) Beginning April 1, 2007, any~~ **ANY** month in which
22 ~~any~~ **EITHER** of the following ~~occur~~ **OCCURS** shall not be counted
23 toward the cumulative total of 48 months in a lifetime for family
24 independence **PROGRAM** assistance:

25 (a) The recipient has been ~~temporarily~~ exempted from ~~work~~
26 ~~first~~ **THE JET PROGRAM** under section ~~57f(3)(g)~~ **57F(3)** and (4).

27 (b) ~~The recipient is employed and meeting the requirements of~~

1 ~~his or her family self sufficiency plan. A PARENT OR CARETAKER HAS~~
2 ~~A DOCUMENTED CLAIM OF THREATENED OR ACTUAL DOMESTIC VIOLENCE,~~
3 ~~AGAINST HIMSELF OR HERSELF OR HIS OR HER DEPENDENT CHILD, THAT CAN~~
4 ~~REASONABLY BE EXPECTED TO INTERFERE WITH WORK REQUIREMENTS.~~

5 ~~—— (c) The unemployment rate in the county in which the recipient~~
6 ~~resides is 25% above the state average for unemployment.~~

7 ~~—— (d) Compliance with certain family independence program~~
8 ~~requirements are waived under section 56i(1)(c).~~

9 ~~—— (2) This section does not apply after September 30, 2011.~~

10 Sec. 57r. ~~(1) Beginning October 1, 2007, if the department~~
11 ~~determines that an individual is eligible to participate in the~~
12 ~~work first JET program and resides in a county in which a jobs,~~
13 ~~education and training (JET) THE JET program is available, family~~
14 ~~independence PROGRAM assistance shall be paid to that individual~~
15 ~~for not longer than a cumulative total of 48 months during that~~
16 ~~individual's lifetime. If the recipient is meeting all the~~
17 ~~requirements outlined in his or her family self sufficiency plan,~~
18 ~~has not received more than 2 penalties under section 57g after~~
19 ~~October 1, 2007, has not received any penalties under section 57g~~
20 ~~in the preceding 12 months, and labor market conditions or~~
21 ~~employment barriers prevent employment placement, the recipient may~~
22 ~~apply to the department for an extension of family independence~~
23 ~~assistance benefits for a period not to exceed 12 months over the~~
24 ~~48 month cumulative lifetime total. Nothing in this subsection~~
25 ~~prevents the department from providing assistance to individuals~~
26 ~~who are determined to be exempt from work first participation under~~
27 ~~section 57f.~~

1 ~~—— (2) This section does not apply after September 30, 2011.~~

2 Sec. 57u. (1) The department shall provide a report of
3 exemptions under section 57f by district office and by criteria.

4 (2) The department shall provide a report by district office
5 on the number of sanctions issued, the number of compliance
6 exceptions granted, and the success rate of recipients given the
7 compliance exception under section 57g.

8 (3) The department shall require district managers to track
9 performance of caseworkers with regard to sanctions under section
10 57g.

11 (4) The department shall require reporting by county office on
12 referrals to ~~nonprofit rehabilitation organizations under section~~
13 ~~57b~~ **THE MEDICAL REVIEW TEAM** and the following:

14 (a) Referrals pending less than 90 days.

15 (b) Referrals pending 90 to 180 days.

16 (c) Referrals pending 180 to 365 days.

17 (5) The department shall require a quarterly report on cases
18 in which the recipient has applied for supplemental security income
19 under section 57b as follows:

20 (a) The number of cases assessed.

21 (b) The number of cases referred to ~~work first~~ **THE JET**

22 **PROGRAM.**

23 (c) The number of cases placed in subsidized employment.

24 (d) The number of cases referred to legal services advocacy
25 programs and the number of cases granted supplemental security
26 income.

27 (6) The department shall report the progress of the plan

1 required under section 57q and its implementation progress annually
2 by April 1.

3 (7) Except for the reporting requirement provided in
4 subsection (6), all the reports required under this section shall
5 be provided on a quarterly basis to all of the following:

6 (a) The senate and house standing committees dealing with
7 appropriations for human services.

8 (b) The senate and house fiscal agencies.

9 (c) The majority leader of the senate and the speaker of the
10 house of representatives.

11 Enacting section 1. Sections 57a, 57h, 57k, 57o, and 57t of
12 the social welfare act, 1939 PA 280, MCL 400.57a, 400.57h, 400.57k,
13 400.57o, and 400.57t, are repealed.