**Task Force on Maryland’s ABLE Program**

Monday, September 21

4:30 p.m. – 7:30 p.m.

First Floor Conference Room

Maryland Department of Transportation

7201 Corporate Center Drive

Hanover, MD 21076

**Task Force Members Present:** Hisham Amin, Anne Blackfield, Susanne Brogan, Sen. Brian Feldman, William Frank, Andrew Friedson, Renee Gordon, James McCarthy, Mary O’Byrne, Steve Ross, Lauren Shipley, Kaitlyn Shulman, Stuart Spielman, Dana Tagalicod, Del. Craig Zucker

# Presentation on Community Development Financial Institutions

Charles Hammerman from Disabilities Opportunity Fund provided a presentation on Community Development Financial Institutions (CDFIs), which are mentioned in the federal ABLE regulations as a potential source of technical assistance, administrative or marketing support, or other forms of support for states’ ABLE programs.

CDFIs are private, mission-driven non-profits that are certified as part of the CDFI Fund.

The CDFI Fund falls within the U.S. Treasury Department and receive annual appropriations. They typically provide technical assistance and capital loans for community projects that fall within their respective missions.

Maryland has 15 certified CDFIs.

# Public Comment

Anne Reinhart, a member of the public, highlighted the challenges faced by parents who have guardianship of an individual’s person but not guardianship of an individual’s property. (Guardianship of a person’s property be held, for example, by an organization acting as individual’s representative payee.) Right now, the ABLE regulations suggest that only guardians of an individual’s property may be able to open an ABLE account on behalf of the beneficiary.

Public comments were also made by Somnath Sangupta, who suggested:

* The program’s lead agency should have disability experience.
* The program, even if it is managed by multiple agencies, should present a “single face” to the customer
* The program’s outreach includes outreach to lower income families who would benefit from saving

# Federal Updates

Heather Sachs provided updates on the national landscape:

* 32 states now have ABLE legislation (California just passed)
* There is a continuing movement among programs to allow people to self-certify their disabilities

# Discussion of Proposed Structure

Prior to the September 21 meeting, a report outline was developed and discussed among the members of the two subcommittees, the Research Subcommittee and Empowerment Committee. The report outline included several versions of draft recommendations.

* *This document is attached to these minutes*

During the meeting, the following two agencies were identified as being candidates for being lead or co-lead agencies.

* Maryland Department of Disabilities (MDOD) – has expertise or could be responsible for certification, qualified disability expenses, data collection, and serve as a liaison with disability stakeholders and local, state and federal means-tested programs
* College Savings Plans of Maryland (CSPM) – has experience or could be responsible for developing investment plans, account opening and signature authority, calculating administration fees, accountings to beneficiaries, safeguards for the account (.e.g, change in beneficiary, rollover, single account per beneficiaries), mechanics of disbursement of funds

Program Location

The following concerns were raised about having two agencies responsible:

* Who would be held primarily accountable for program administration?
* CSPM is, in statute, an independent Board of Directors, which may make it difficult, without significant legislative changes to CSPM’s enabling statutes, to make the CSPM Board co-responsible for a program

The following solutions to these concerns were proposed:

* Make CSPM the lead agency, and include MDOD (maybe through MOU, not legislation) in a technical assistance role and/or a “contractor” role to administer the disability-specific and customer service portions of the program

Program Board

If CSPM were to be named as the lead agency, the following concerns were raised:

* Adding a number of “disability seats” to the CSPM Board might not make sense operationally or logistically
  + It is generally agreed that people with disability experience should be involved with the oversight of the ABLE program, but ABLE is ultimately a financial program
  + Some of the disability expertise will be needed for troubleshooting problems when the program is first implemented, but may not be needed long-term
  + Adding people to the CSPM Board will require legislative changes and will make the Board very large

The following solutions to these concerns were proposed:

* Rather than adding a significant number of new seats to the CSPM board, add a single seat for the Secretary of the Department of Disabilities, who will act as a liaison between the disability community and CSPM, and provide disability services expertise
* MDOD could convene stakeholder workgroup or an advisory board (which does not have be created by statute) to provide more in-depth stakeholder input in the program administration and customer service aspects
  + This advisory board could be long-term or convened only for as long as it is necessary

Marketing

* Marketing could be outsourced to CDFIs, disability groups, etc., in addition to being handled by both agencies
* Marketing for 529 and 529A (ABLE) programs could be combined – some families with children with and without disabilities will be interested in both programs

# Next Steps

* Agencies will be asked to draft an analysis of their “strengths” and “weaknesses” in terms of ABLE program administration
* An updated report draft will be circulated

# Next Meeting

Tuesday, October 20 from 4:30 p.m. – 7:00 p.m.; location SEEC Office, 8905 Fairview Road, Suite 300, Silver Spring, MD 20910