

By: Senator(s) Horhn, Caughman

To: Business and Financial
Institutions; Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2634

1 AN ACT TO CREATE THE MISSISSIPPI SAVINGS INITIATIVE; TO
2 AUTHORIZE THE CREATION OF INDIVIDUAL DEVELOPMENT ACCOUNTS FOR
3 LOW-INCOME INDIVIDUALS THAT MAY BE UTILIZED BY THE ACCOUNT HOLDER
4 FOR CERTAIN PURPOSES; TO AUTHORIZE THE MISSISSIPPI DEPARTMENT OF
5 BANKING AND CONSUMER FINANCE TO CONTRACT WITH FIDUCIARY
6 ORGANIZATIONS TO SERVE AS INTERMEDIARIES BETWEEN INDIVIDUAL
7 DEVELOPMENT ACCOUNT HOLDERS AND FINANCIAL INSTITUTIONS HOLDING
8 ACCOUNT FUNDS; TO PROVIDE THAT THE GROSS HOUSEHOLD INCOME OF
9 INDIVIDUAL RETIREMENT ACCOUNT HOLDERS MAY NOT EXCEED 185% OF THE
10 POVERTY LEVEL AND THE ACCOUNT HOLDER'S NET WORTH MAY NOT EXCEED
11 \$10,000.00; TO REQUIRE INDIVIDUALS OPENING AN INDIVIDUAL
12 DEVELOPMENT ACCOUNT TO ENTER INTO AN AGREEMENT WITH A FIDUCIARY
13 ORGANIZATION; TO PROVIDE THAT THE DEPARTMENT OF HUMAN SERVICES
14 SHALL PROVIDE MATCHING FUNDS FOR AMOUNTS CONTRIBUTED TO THE
15 INDIVIDUAL DEVELOPMENT ACCOUNT BY THE INDIVIDUAL DEVELOPMENT
16 ACCOUNT HOLDER; TO LIMIT THE AMOUNT OF MATCHING FUNDS THAT MAY BE
17 PROVIDED FOR AN INDIVIDUAL DEVELOPMENT ACCOUNT; TO PROVIDE THE
18 PURPOSES FOR WHICH INDIVIDUAL DEVELOPMENT ACCOUNTS MAY BE
19 UTILIZED; TO PROVIDE CIVIL PENALTIES FOR THE WITHDRAWAL OF
20 INDIVIDUAL DEVELOPMENT ACCOUNT FUNDS FOR PURPOSES OTHER THAN THOSE
21 AUTHORIZED UNDER THIS ACT; TO REQUIRE FIDUCIARY ORGANIZATIONS TO
22 MAKE QUARTERLY REPORTS TO THE MISSISSIPPI DEPARTMENT OF BANKING
23 AND CONSUMER FINANCE CONTAINING CERTAIN INFORMATION; TO PROVIDE
24 THAT FUNDS DEPOSITED IN AN INDIVIDUAL DEVELOPMENT ACCOUNT SHALL
25 NOT BE COUNTED AS INCOME, ASSETS OR RESOURCES OF THE INDIVIDUAL IN
26 DETERMINING FINANCIAL ELIGIBILITY FOR ASSISTANCE OR SERVICES
27 PURSUANT TO ANY FEDERAL, FEDERALLY ASSISTED, STATE OR MUNICIPAL
28 PROGRAM BASED ON NEED; TO AUTHORIZE THE USE OF TEMPORARY
29 ASSISTANCE OF NEEDY FAMILY FUNDS AS MATCHING FUNDS; AND FOR
30 RELATED PURPOSES.

31 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:



32 **SECTION 1.** This act shall be known and may be cited as the
33 "Mississippi Savings Initiative."

34 **SECTION 2.** The purpose of this act is to provide for the
35 establishment of individual development accounts and to authorize
36 the Mississippi Department of Banking and Consumer Finance (MDBCFC)
37 to contract with fiduciary organizations to serve as
38 intermediaries between individual development account holders and
39 financial institutions holding account funds. The accounts are
40 designed to:

41 (a) Provide low-wealth, unbanked and under-banked
42 Mississippians an opportunity to gain economic stability to become
43 self-sufficient and less reliant on public assistance;

44 (b) Encourage and mobilize savings;

45 (c) Assist in purchasing a home or paying the cost of
46 major repairs to an existing home, starting or expanding a
47 business, paying the cost of postsecondary education, paying the
48 cost-assistive technology for people with disabilities, and paying
49 the cost of an automobile purchase; and

50 (d) Strengthen families and build sustainable
51 communities within Mississippi.

52 **SECTION 3.** The Legislature hereby finds that:

53 (a) Of the top one hundred (100) most unbanked places
54 (city/town/census designated place with more than two hundred
55 fifty (250) households), seventeen (17) are located in
56 Mississippi. Jackson, Mississippi, is ranked number four (4) in



57 the top ten unbanked mid-sized cities. Because many hard-working
58 Mississippians face insurmountable obstacles to accessing the
59 financial mainstream, they often turn to alternative, high-fee
60 providers, thereby forcing them into a cycle of debt. By using
61 such means, individuals are hard-pressed to build savings and
62 assets.

63 (b) Individual Development Accounts (IDAs) have been
64 used as a federal and state policy strategy for family economic
65 security. Federal and state policies to fund IDAs have helped
66 create accounts for numerous individuals and families across the
67 country.

68 (c) IDAs, just like a bank or credit union account, can
69 be the first step in saving, planning for the future, building
70 credit and climbing the economic ladder. It assists individuals
71 and families with modest means to save toward the purchase of a
72 lifelong asset, such as a home or education.

73 (d) The U.S. Census Bureau highlights just one aspect
74 of household finances, namely the percentage of people with
75 insufficient income to cover their day-to-day expenses. It does
76 not count the number of families who have insufficient resources,
77 such as money in the bank or assets such as a home or a car, to
78 meet emergencies or longer-term needs. When these longer-term
79 needs are factored in, substantially more people in the United
80 States face a future of limited hope for long-term financial
81 security. At a time of widening income disparities, this data



82 paints a stark picture of diminishing financial security for
83 millions of families.

84 **SECTION 4.** As used in this act:

85 (a) "Administrative costs" includes, but is not limited
86 to, processing fees charged by the fiduciary organization or
87 financial institution, and traditional overhead costs.
88 Administrative costs shall be limited to no more than fifteen
89 percent (15%) of the contract.

90 (b) "Eligible educational institution" means the
91 following:

92 (i) An institution described in 20 USC Section
93 1088(a)(1) or 1141(a), as such sections are in effect on July 1,
94 2022;

95 (ii) An area vocational education school, as
96 defined in 20 USC Section 2471(4), subparagraph (C) or (D), as
97 such section is in effect on July 1, 2022; and

98 (iii) Any other accredited education or training
99 organization.

100 (c) "Emergency" means payments for necessary medical
101 expenses of the account owner or family member, expenses to avoid
102 the eviction of the account owner from the account owner's primary
103 residence, and for necessary living expenses following a loss of
104 income.



105 (d) "Federal poverty level" means the poverty income
106 guidelines published for a calendar year by the United States
107 Department of Human Services.

108 (e) "Fiduciary organization" means any nonprofit,
109 fund-raising organization that is exempt from taxation under
110 Section 501(c)(3) of the Internal Revenue Code, as amended, any
111 certified community development financial institution or any
112 credit union chartered under federal or state law.

113 (f) "Financial institution" means a federally insured
114 bank, trust company, savings bank, building and loan association,
115 savings and loan company or association, or credit union
116 authorized to do business in this state.

117 (g) "First-time homebuyer" means a person who has not
118 been named on a legally recorded homeownership title for a minimum
119 of thirty-six (36) months.

120 (h) "Individual development account" or "IDA" means an
121 account established for an eligible individual or family member as
122 part of a qualified individual development account program with
123 the following requirements:

124 (i) The sole owner of the account is the
125 individual or family member for whom the account was created;

126 (ii) The holder of the account is a qualified
127 financial institution;



128 (iii) The assets of the account may not be
129 commingled with other property except in a common trust fund or
130 common investment fund; and

131 (iv) Any amount in the account shall be paid out
132 only for the qualified purposes of the account owner, except if it
133 meets the qualifications of an emergency use.

134 (i) "MDBCFC" means the Mississippi Department of Banking
135 and Consumer Finance.

136 (j) "Parallel account" means a separate parallel
137 account for all matching funds and earnings dedicated to
138 individual development account owners, the sole holder of which is
139 a qualified financial institution, or a qualified fiduciary
140 organization.

141 (k) "Postsecondary educational expenses" means:

142 (i) Tuition and fees required for the enrollment
143 or attendance of an IDA account holder or an immediate family
144 member of the account holder who is a student at an eligible
145 educational institution; and

146 (ii) Fees, books, supplies and equipment
147 (including computer, software, etc.) required for courses of
148 instruction for an IDA account holder or an immediate family
149 member of the account holder who is a student at an eligible
150 educational institution.

151 (l) "Operating costs" includes, but is not limited to,
152 costs of training IDA participants in economic and financial



153 literacy and IDA uses, marketing participation, counseling
154 participants and conducting required verification and compliance
155 activities.

156 (m) "Qualified purposes" means any of the purposes for
157 which the account owner's accumulated savings and matching funds
158 may be used as described in Section 7 of this act.

159 **SECTION 5.** (1) An individual who is a resident of this
160 state may submit an application to open an individual development
161 account (IDA) to a fiduciary organization approved by the
162 Mississippi Department of Banking and Consumer Finance (MDBCF).

163 The fiduciary organization shall approve the application only if:

164 (a) The individual has gross household income from all
165 sources for the calendar year preceding the year in which the
166 application is made which does not exceed one hundred eighty-five
167 percent (185%) of the federal poverty level; and

168 (b) Individual household net worth at the time the IDA
169 account is opened does not exceed Ten Thousand Dollars
170 (\$10,000.00) disregarding the primary dwelling and one (1) motor
171 vehicle owned by the household.

172 (2) An individual opening an IDA shall be required to enter
173 into an IDA agreement with the fiduciary organization.

174 (3) The IDA agreement shall provide for the amount of the
175 savings deposits, the match fund rate, the asset goal, the
176 financial literacy classes to be completed, any additional
177 training specific to the asset, the financial counseling the



178 individual will attend and any other services designed to increase
179 the independence of the person through the achievement of the
180 account's approved purpose.

181 (4) Before becoming eligible to receive matching funds to
182 pay for qualified purposes, individual development account owners
183 shall complete a financial literacy education course offered by a
184 qualified financial institution, a qualified fiduciary
185 organization, or a governmental entity in accordance with federal
186 guidelines.

187 (5) The fiduciary organization shall be responsible for
188 coordinating arrangements between the individual and a financial
189 institution to open the individual's IDA.

190 (6) Each fiduciary organization shall provide written
191 notification to each of its eligible IDA account holders of the
192 amount of matching funds provided by the fiduciary to which each
193 such IDA account holder is entitled. Such notification shall be
194 made at such intervals as the fiduciary organization deems
195 appropriate, but shall be required to be made at least once each
196 calendar year. The amount of the matching funds for each IDA
197 account holder shall be Two Dollars (\$2.00) for each One Dollar
198 (\$1.00) contributed to the IDA by the IDA account holder during
199 the preceding calendar year. The amount of such matching funds
200 shall not exceed Two Thousand Dollars (\$2,000.00) per IDA account
201 holder or Four Thousand Dollars (\$4,000.00) per household.



202 (7) In order to receive matching funds, the account owner
203 must:

- 204 (a) Have saved for a minimum of six (6) months;
205 (b) Have reached his or her savings goal; and
206 (c) Have completed a financial literacy education
207 course offered by a qualified financial institution, a qualified
208 fiduciary organization, or a governmental entity in accordance
209 with federal guidelines.

210 (8) Once requirements in Section 7 of this act have been
211 fulfilled, the appropriate matching funds shall be transferred
212 from the parallel account directly to the vendor or service
213 provider of the approved asset.

214 (9) If the amount of matching funds available is
215 insufficient to disburse the maximum amounts specified in this
216 section, amounts of disbursements shall be reduced proportionately
217 based upon available funds.

218 **SECTION 6.** (1) Deposits to individual development accounts
219 made by the account owner shall come from earned income,
220 including, but not limited to, wages, earned income tax credit
221 returns, child support payments, supplemental security income
222 (SSI), disability benefits, community service under Temporary
223 Assistance For Needy Families (TANF), AmeriCorps stipends, VISTA
224 stipends, and job training programs. Matching funds shall only be
225 used for qualified purposes.



226 (2) Eligible individuals shall certify that their deposits
227 do not exceed their income. The maximum amount of deposits made
228 by an account owner may not exceed Two Thousand Dollars
229 (\$2,000.00).

230 (3) If an individual development account (IDA) account
231 holder has gross household income from all sources for a calendar
232 year which exceeds one hundred eighty-five percent (185%) of the
233 federal poverty level, the IDA account holder shall not be
234 eligible to receive funds pursuant to the provisions of this act
235 in the following year.

236 (4) In the event of an IDA account holder's death, the
237 account may be transferred to the ownership of a contingent
238 beneficiary or beneficiaries. An account holder shall name a
239 contingent beneficiary or beneficiaries at the time the account is
240 established and may change such beneficiary or beneficiaries at
241 any time. If the named beneficiary or beneficiaries are deceased
242 or cannot otherwise accept the transfer, the monies shall be
243 transferred to the fiduciary organization to redistribute as
244 matching funds.

245 **SECTION 7.** (1) Individual development accounts shall be
246 used for any of the following qualified purposes:

247 (a) Paying the expenses of securing postsecondary
248 education, including, but not limited to, community college
249 courses, courses at a four-year college or university or
250 post-college graduate courses for the account owner or any member



251 of the account owner's family that are paid directly to an
252 eligible educational institution;

253 (b) Paying the expenses of securing postsecondary
254 occupational training, including, but not limited to, vocational
255 or trade school training for the account owner or any training
256 authorized under the Workforce Investment Act through the
257 Mississippi Department of Employment Security; however, such
258 payments must be made directly to the provider of such training;

259 (c) Payments for a principal residence for an account
260 owner who is a first-time homebuyer, or the costs of major repairs
261 or improvements to the principal residence of an account holder;
262 however, such payments must be paid directly to the persons to
263 whom the amounts are due;

264 (d) Amounts paid directly to a business capitalization
265 account which is established in a federally insured financial
266 institution and is restricted to use solely for qualified business
267 capitalization expenses;

268 (e) Payments for the purchase of an automobile
269 necessary to transport the account owner or a family member to a
270 place of employment or education or payments for costs of repair
271 of such an automobile; however, payments must be paid directly to
272 a licensed automobile dealer or repair shop, and this purpose
273 cannot be the sole purpose of the individual development account
274 (IDA);



275 (f) Purchase assistive technology for people with
276 disabilities, including, but not limited to, screen readers for
277 computers, assistive listening devices, accessible hand control
278 for automobiles and motorized wheelchairs; however, payments must
279 be paid directly to the assistive technology provider;

280 (g) Qualified emergency withdrawals as provided in
281 subsection (2) of this section; and

282 (h) Any other activity based on a plan approved by
283 Mississippi Department of Banking and Consumer Finance (MDBCFC).

284 (2) If an emergency occurs, an account owner may withdraw
285 all or part of the account owner's deposits to an individual
286 development account with the approval of the fiduciary
287 organization. The account owner shall reimburse his or her
288 individual development account for the amount withdrawn under this
289 section within twelve (12) months after the date of the
290 withdrawal. Failure of the account owner to make a timely
291 reimbursement to the account will remove the account owner from
292 the program. Until the reimbursement has been made in full, an
293 account owner may not withdraw any matching funds or accrued
294 interest on matching funds from the account.

295 (3) If an account owner withdraws money from an individual
296 development account for any purpose other than a qualified
297 purpose, the fiduciary organization shall remove the account owner
298 from the program.



299 **SECTION 8.** (1) If the fiduciary organization receives
300 evidence that any money withdrawn from an individual development
301 account (IDA) account is withdrawn under false pretenses or is
302 used for purposes other than for the approved purposes indicated
303 at the time of the withdrawal, the fiduciary organization shall
304 make arrangements with the financial institution to impose a
305 penalty for the loss of matching funds and may, at its discretion,
306 close the account. All penalties collected by fiduciary
307 organizations shall remain with the fiduciary organization to
308 distribute as matching funds to other eligible individuals.

309 (2) The fiduciary organization shall establish a grievance
310 committee and a procedure to hear, review and decide in writing
311 any grievance made by an IDA account holder who disputes a
312 decision of the fiduciary organization that a withdrawal is
313 subject to penalty.

314 (3) Each fiduciary organization shall establish such
315 procedures as are necessary, including prohibiting eligibility for
316 further matching funds, to ensure compliance with this section.

317 **SECTION 9.** An organization based in this state which desires
318 to enter into such a contract shall submit a proposal to the
319 Mississippi Department of Banking and Consumer Finance (MDBCFC) for
320 the right to be approved as a fiduciary organization. The MDBCFC
321 shall select fiduciary organizations through competitive
322 processes. Proposals of organizations shall be evaluated and



323 contracts awarded by the MDBCF on the basis of such items as
324 geographic diversity and an organization's:

325 (a) Ability to implement and administer the individual
326 development account program, including the ability to verify
327 account owner eligibility, certify that matching funds are used
328 only for qualified purposes, and exercise general fiscal
329 accountability;

330 (b) Capacity to provide or raise matching funds for the
331 deposits of account owners;

332 (c) Ability to provide safe and secure investments for
333 individual accounts;

334 (d) Overall administrative capacity, including, but not
335 limited to, the certifications or verifications required to assure
336 compliance with eligibility requirements, authorized uses of the
337 accounts, matching contributions by individuals or businesses and
338 penalties for unauthorized distributions;

339 (e) Capacity to provide, or to arrange for the
340 provisions of, financial counseling, financial literacy education
341 and training specific to the assets the account owners will be
342 purchasing, and other related services to account owners;

343 (f) Connection to other activities and programs
344 designed to increase the independence of this state's low-income
345 households and individuals through education and training,
346 homeownership, small business capitalization and other
347 asset-building programs;



348 (g) Program design, including match rates and savings
349 goals, to lead to asset purchase; and

350 (h) Operating costs.

351 **SECTION 10.** (1) For each contract entered into pursuant to
352 the provisions of this section, the contract shall begin no later
353 than October 1 of each year. The fiduciary organization shall use
354 not less than seventy percent (70%) for matching funds. The
355 fiduciary organization shall use not more than fifteen percent
356 (15%) for operating cost and not more than fifteen percent (15%)
357 for administrative costs.

358 (2) Responsibilities of a fiduciary organization shall
359 include, but not be limited to, marketing participation,
360 counseling project participants, conducting basic economic and
361 financial literacy training and individual development account
362 (IDA) use training for project participants and conducting
363 required verification and compliance activities. Neither a
364 fiduciary organization nor an employee of, or person associated
365 with, a fiduciary organization, shall receive anything of value,
366 other than compensation for services, for any act performed in
367 connection with the establishment of an IDA or in furtherance of
368 the provisions of this act.

369 (3) Subject to rules promulgated by the Mississippi
370 Department of Banking and Consumer Finance (MDBCF), a fiduciary
371 organization has sole authority over, and responsibility for, the
372 administration of individual development accounts. The



373 responsibility of the fiduciary organization extends to all
374 aspects of the account program, including marketing to all
375 eligible individuals and families, soliciting matching funds,
376 counseling account owners, providing financial literacy education
377 and conducting required verification and compliance activities.
378 The fiduciary organization may establish program provisions as the
379 organization believes necessary to ensure account owner compliance
380 with this act.

381 (4) A fiduciary organization may act in partnership with
382 other entities, including businesses, government agencies,
383 corporations, nonprofit organizations, community action programs,
384 community development corporations, housing authorities and
385 faith-based entities, to assist in the fulfillment of its
386 responsibilities under this act.

387 (5) A fiduciary organization may use a reasonable portion of
388 money allocated by the Legislature to the individual development
389 account program for administration, operation and research, and
390 evaluation purposes. A fiduciary organization may not expend more
391 than fifteen percent (15%) of allocated funds for those purposes.
392 Research can be conducted in partnership with a university or
393 state-funding organization.

394 (6) A fiduciary organization selected by the MDBCf to
395 administer funds allocated for family empowerment initiative
396 purposes shall provide the MDBCf an annual report based on
397 regularly collected data of the fiduciary organization's family



398 empowerment initiative program activity. The report shall be
399 filed not later than ninety (90) days after the end of the fiscal
400 year. The report shall include, but is not limited to, the
401 following:

402 (a) The number of individual development accounts
403 administered by the fiduciary organization.

404 (b) The amount of deposits and matching funds for each
405 account.

406 (c) The asset purchase goal of each account.

407 (d) The number of withdrawals made.

408 (e) Any other information the MDBCF may require for the
409 purpose of determining whether the family empowerment initiative
410 program is achieving the purposes for which it was established.

411 (7) Each fiduciary organization shall provide quarterly to
412 the MDBCF the following information:

413 (a) The number of individuals making deposits into an
414 IDA;

415 (b) The amounts deposited in the IDA;

416 (c) The amounts not yet allocated to IDAs;

417 (d) The amounts withdrawn from the IDAs and the
418 purposes for which the amounts were withdrawn;

419 (e) The balances remaining in the IDAs;

420 (f) The service configurations (such as peer support,
421 structured planning exercises, mentoring and case management)

422 which increased the rate and consistency of participation in the



423 demonstration project and how such configurations varied among
424 different populations or communities; and

425 (g) The number of grievances filed, the resolution of
426 the grievances and any penalties imposed.

427 (8) The MDBCF shall make all reasonable and necessary rules
428 to ensure the fiduciary organization's compliance with this act.

429 **SECTION 11.** The Mississippi Department of Banking and
430 Consumer Finance (MDBCF) shall prepare a written report annually
431 regarding the implementation of the Mississippi Savings Initiative
432 and shall make recommendations for improving the program. The
433 report shall be filed with the Secretary of the Senate and the
434 Clerk of the House of Representatives on or before August 1 of
435 each year.

436 **SECTION 12.** Financial institutions holding individual
437 development accounts, at a minimum, shall:

438 (a) Keep the account in the name of the account owner.

439 (b) Permit deposits to be made in the account.

440 (c) Require the account to earn a market rate of
441 interest.

442 (d) Maintain the individual development accounts as fee
443 free.

444 (e) Permit the account owner, after obtaining the
445 written authorization of the fiduciary organization, to withdraw
446 money from the account for any qualified purpose.



447 **SECTION 13.** An amount of One Million Dollars (\$1,000,000.00)
448 shall be made available from Temporary Assistance to Needy
449 Families (TANF) funds administered by the Mississippi Department
450 of Human Services for use as matching funds as allowed by Section
451 404 of the U.S. Social Security Act. The funds shall be
452 designated to the fiduciary organization to allocate to all its
453 participants on a proportionate basis.

454 (2) The Department of Human Services shall promulgate any
455 regulations necessary to carry out the provisions of this section.

456 **SECTION 14.** (1) An account owner's savings and matching
457 funds shall not affect his or her eligibility for any means tested
458 public benefits, including, but not limited to, Medicaid, state
459 children's health insurance programs, Temporary Assistance to
460 Needy Families (TANF), Supplemental Nutrition Assistance Program
461 (SNAP), supplemental security income, government subsidized foster
462 care and adoption payments and child care or housing payments.

463 (2) Except as otherwise provided in this section, funds
464 deposited in individual development accounts shall not be counted
465 as income, assets or resources of the account owner for the
466 purpose of determining financial eligibility for assistance or
467 service pursuant to any federal, federally assisted, state or
468 municipal program based on need.

469 (3) Except as otherwise provided in this section, money
470 deposited into individual development accounts shall not be
471 included in gross income for income tax purposes. Any amount



472 withdrawn from a parallel account shall not be included in an
473 eligible individual's gross income for income tax purposes.

474 (4) Money withdrawn from an individual development account
475 (IDA) shall not be included in gross income unless it is not used
476 for a qualified purpose.

477 **SECTION 15.** The Mississippi Department of Banking and
478 Consumer Finance (MDBCFC) shall not be obligated to fund individual
479 development parallel accounts or be obligated to enter into
480 contracts with fiduciary organizations unless the Legislature
481 appropriates funding for the establishment of a family empowerment
482 initiative program, nor shall the MDBCFC be obligated to spend
483 funds on a family empowerment initiative program above the amount
484 appropriated by the Legislature for the program.

485 **SECTION 16.** This act shall take effect and be in force from
486 and after July 1, 2022, and shall stand repealed on June 30, 2022.

