

Title of Proposed Rule:	HB 23-1117 Removal of the Agreement Not to Sponsor for Public Assistance		
CDHS Tracking #:	23-05-17-01		
CCR #:	9 CCR 2503-5		
Office, Division, & Program:	Office of Economic Security, Division of Economic & Workforce Support	Phone:	720-812-0825
Rule Author:	Abbey Frazier	E-Mail	abbey.frazier@state.co.us

Summary of the basis and purpose for new rule or rule change.

*Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. **1500 Char max***

HB 23-1117 eliminated the requirement that a legal non-citizen receiving public assistance refrain from sponsoring a non-citizen from entering or remaining in the United States. Currently, a legal non-citizen is required to sign an affidavit pledging to abstain from sponsoring a non-citizen while receiving public assistance. The bill removed the requirement from statute. This rule change removes the language from Adult Financial rule for consistency with state law.

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

to comply with state/federal law and/or

to preserve public health, safety and welfare

Justification for emergency:

To meet the statutory requirement in HB 23-1117 that the repealed prohibition on legal non-citizens sponsoring another non-citizen while receiving public benefits is effective 90 days after the final adjournment of the General Assembly. The General Assembly adjourned on May 8, 2023.

State Board Authority for Rule:

Code	Description
26-1-107, C.R.S. (2023)	State Board to promulgate rules

Program Authority for Rule: *Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority.*

Code	Description
26-1-109, C.R.S. (2022)	State department rules to coordinate with federal programs
26-1-111, C.R.S. (2022)	State department Executive Director to administer or supervisor all public assistance and welfare activities of the state
25.5-3-105 C.R.S. (2023)	Eligibility of legal immigrants for public assistance

Does the rule incorporate material by reference?	Yes		X	No
Does this rule repeat language found in statute?	Yes		X	No
If yes, please explain.				

Title of Proposed Rule:	HB 23-1117 Removal of the Agreement Not to Sponsor for Public Assistance		
CDHS Tracking #:	23-05-17-01		
CCR #:	9 CCR 2503-5		
Office, Division, & Program:	Office of Economic Security, Division of Economic & Workforce Support	Phone:	720-812-0825
Rule Author:	Abbey Frazier	E-Mail	abbey.frazier@state.co.us

Title of Proposed Rule:	HB 23-1117 Removal of the Agreement Not to Sponsor for Public Assistance		
CDHS Tracking #:	23-05-17-01		
CCR #:	9 CCR 2503-5		
Office, Division, & Program:	Office of Economic Security, Division of Economic & Workforce Support	Phone:	720-812-0825
Rule Author:	Abbey Frazier	E-Mail	abbey.frazier@state.co.us

The AF programs are annually appropriated at \$78.9 million for Old Age Pension, \$13.4 million for Aid to the Needy Disabled, and \$8.7 million for Home Care Allowance in the SFY 2023-24 Long Bill and are expected to absorb any increased costs related to this rule change.

This rule change requires an estimated 1338 hours of contractor computer programming to modify CBMS, PEAK, and mobile applications, with an approximate cost of \$165,845.10 at the current project hour tier rate. This cost will be shared (50/50) with Health Care Policy and Financing who must also make the change, and the amount can be absorbed within existing CBMS pool hours.

County Fiscal Impact

This rule change may result in increased programmatic costs to counties if the repealed requirement results in increased AF enrollment on an ongoing basis. Counties contribute approximately 20.9% of costs for Aid to the Needy Disabled and 5% of costs related to Home Care Allowance. Old Age Pension is 100% State funded. There may also be increased administrative costs related to processing additional AF cases if the rule change increases enrollment, however, this rule also reduces administrative burden to counties by eliminating required paperwork. Any increased expenditures to counties are expected to be minimal.

Operational and administrative impacts to counties resulting from this rule change may also require changes to the Single Paper Application (SPA), result in increased calls to call centers, and additional training needs to inform clients and county staff of the eligibility change.

Federal Fiscal Impact

The AF programs are State funded programs. There is no anticipated federal fiscal impact.

Other Fiscal Impact (such as providers, local governments, etc.)

There are no additional fiscal impacts expected.

4. Data Description

List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?

CBMS data was used in developing this rule, including denials by reason data and caseload counts by citizenship status.

5. Alternatives to this Rule-making

Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative. Answer should NEVER be just “no alternative” answer should include “no alternative because...”

Title of Proposed Rule:	HB 23-1117 Removal of the Agreement Not to Sponsor for Public Assistance		
CDHS Tracking #:	23-05-17-01		
CCR #:	9 CCR 2503-5		
Office, Division, & Program:	Office of Economic Security, Division of Economic & Workforce Support	Phone:	720-812-0825
Rule Author:	Abbey Frazier	E-Mail	abbey.frazier@state.co.us

This rule is a legislative mandate therefore there is no alternative because HB 23-1117 repealed the requirement that legal non-citizens refrain from sponsoring while applying for/receiving public benefits and directed the Department to remove all materials referencing the repealed prohibition.

OVERVIEW OF PROPOSED RULE

Compare and/or contrast the content of the current regulation and the proposed change.

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
3.520.69	<i>Rule requires non-citizens to not sign an affidavit of support for the purpose of sponsoring a non-citizen, this requirement was repealed with HB 23-1117.</i>	<i>3.520.69 Sponsorship of Qualified Non-Citizens</i> <i>A. As a condition of eligibility for financial assistance, any legal non-citizen applying for or receiving financial assistance shall agree that, during the time period the client is receiving financial assistance, the client shall not sign an affidavit of support for the purpose of sponsoring a noncitizen seeking permission from USCIS to enter or remain in the United States. A legal noncitizen's eligibility for financial assistance shall not be affected by the fact that the legal noncitizen has signed an affidavit of support for a non-citizen prior to his or her application for benefits.</i> <i>B. If a client is a sponsored qualified non-citizen, he or she shall be responsible for the provision of any information and documentation related to the sponsor(s) and shall obtain cooperation from the sponsor(s) necessary to determine: 1. The identity and current address and contact information of the sponsor(s); 2. The relationship of the sponsor(s) to the qualified non-citizen; 3. Income and resources of the sponsor(s), which</i>	<i>3.520.69 Sponsorship of Qualified Non-Citizens</i> <i>A. As a condition of eligibility for financial assistance, any legal non-citizen applying for or receiving financial assistance shall agree that, during the time period the client is receiving financial assistance, the client shall not sign an affidavit of support for the purpose of sponsoring a noncitizen seeking permission from USCIS to enter or remain in the United States. A legal noncitizen's eligibility for financial assistance shall not be affected by the fact that the legal noncitizen has signed an affidavit of support for a non-citizen prior to his or her application for benefits.</i> <i>BA. If a client is a sponsored qualified non-citizen, he or she shall be responsible for the provision of any information and documentation related to the sponsor(s) and shall obtain cooperation from the sponsor(s) necessary to determine: 1. The identity and current address and contact information of the sponsor(s); 2. The relationship of the sponsor(s) to the qualified non-citizen; 3. Income and resources of the sponsor(s), which</i>	Removes the requirement for non-citizens to agree in writing that they will not sign an affidavit of support for the purpose of sponsoring a non-citizen to align with HB 23-1117.	<i>Yes/See Stakeholder Comment Section of the Rule Package</i>

Title of Proposed Rule:	HB 23-1117 Removal of the Agreement Not to Sponsor for Public Assistance		
CDHS Tracking #:	23-05-17-01		
CCR #:	9 CCR 2503-5		
Office, Division, & Program:	Office of Economic Security, Division of Economic & Workforce Support	Phone:	720-812-0825
Rule Author:	Abbey Frazier	E-Mail	abbey.frazier@state.co.us

		<p>may be deemed available to the qualified non-citizen or recovered for repayment of grant payments paid to or on behalf of the qualified non-citizen.</p> <p>C. It shall be presumed that an affidavit of support demonstrates the sponsor's ability to make income and resources available to a non-citizen whom he or she sponsors at a minimum of one hundred twenty-five percent (125%) of the Federal Poverty Guidelines, as defined in 3.510. Sponsors are expected to meet their financial commitments to the qualified non-citizen whom they sponsor and for whom they signed an affidavit of support until such time as the: 1. Qualified non-citizen has obtained U.S. citizenship; or, 2. Qualified non-citizen has worked, or can be credited with forty (40) qualifying quarters of coverage under Title II of the Federal Social Security Act, 42 U.S.C. Section 413 (2018); or 3. Qualified non-citizen leaves the United States and gives up lawful permanent resident status; or, 4. Qualified non-citizen dies; or, 5. Sponsor of the qualified non-citizen dies. The death of one sponsor does not terminate the support obligation of a joint sponsor. The sponsor's estate shall be required to repay public benefits; or, 6. Qualified non-citizen becomes subject to removal proceedings, but he or she applies for and obtains a new grant of admission status in those proceedings based on a new affidavit of support, if one is required. CODE</p>	<p>may be deemed available to the qualified non-citizen or recovered for repayment of grant payments paid to or on behalf of the qualified non-citizen.</p> <p>GB. It shall be presumed that an affidavit of support demonstrates the sponsor's ability to make income and resources available to a non-citizen whom he or she sponsors at a minimum of one hundred twenty-five percent (125%) of the Federal Poverty Guidelines, as defined in 3.510. Sponsors are expected to meet their financial commitments to the qualified non-citizen whom they sponsor and for whom they signed an affidavit of support until such time as the: 1. Qualified non-citizen has obtained U.S. citizenship; or, 2. Qualified non-citizen has worked, or can be credited with forty (40) qualifying quarters of coverage under Title II of the Federal Social Security Act, 42 U.S.C. Section 413 (2018); or 3. Qualified non-citizen leaves the United States and gives up lawful permanent resident status; or, 4. Qualified non-citizen dies; or, 5. Sponsor of the qualified non-citizen dies. The death of one sponsor does not terminate the support obligation of a joint sponsor. The sponsor's estate shall be required to repay public benefits; or, 6. Qualified non-citizen becomes subject to removal proceedings, but he or she applies for and obtains a new grant of admission status in those proceedings based on a new affidavit of support, if one is required. CODE</p>		
--	--	---	--	--	--

Title of Proposed Rule:	HB 23-1117 Removal of the Agreement Not to Sponsor for Public Assistance		
CDHS Tracking #:	23-05-17-01		
CCR #:	9 CCR 2503-5		
Office, Division, & Program:	Office of Economic Security, Division of Economic & Workforce Support	Phone:	720-812-0825
Rule Author:	Abbey Frazier	E-Mail	abbey.frazier@state.co.us

		<p><i>OF COLORADO REGULATIONS 9 CCR 2503-5 Income Maintenance (Volume 3) 32</i></p> <p><i>D. Income and resources of the sponsor(s) shall be deemed to the client, as follows: 1. Sponsor deeming shall not apply to qualified non-citizens admitted as refugees or as political asylees. A non-citizen whose status as a political asylee or refugee has not yet been determined or finalized because his or her application to become a qualified noncitizen is in a pending status or for some other reason shall not be considered a qualified non-citizen admitted as a political asylee or refugee, and therefore, such non-citizen is not eligible to receive grant payments. 2. Sponsors who signed sponsorship agreements prior to December 19, 1997, shall not be subject to resource and income deeming. 3. Effective December 19, 1997 through December 31, 2013, sponsor deeming shall apply only to the qualified non-citizen's spouse and/or non-relative sponsor(s) identified in sponsorship agreements signed on or after December 19, 1997. a. A relative is defined as any relation by blood, adoption, or marriage. b. Kinship relations by marriage continue to exist even if the marriage is terminated by death or divorce. 4. Effective January 1, 2014, sponsor deeming shall apply to all of the qualified non-citizen's sponsors identified in sponsorship agreements signed on or after December 19, 1997, no matter the sponsor's</i></p>	<p><i>OF COLORADO REGULATIONS 9 CCR 2503-5 Income Maintenance (Volume 3) 32</i></p> <p><i>DC. Income and resources of the sponsor(s) shall be deemed to the client, as follows: 1. Sponsor deeming shall not apply to qualified non-citizens admitted as refugees or as political asylees. A non-citizen whose status as a political asylee or refugee has not yet been determined or finalized because his or her application to become a qualified noncitizen is in a pending status or for some other reason shall not be considered a qualified non-citizen admitted as a political asylee or refugee, and therefore, such non-citizen is not eligible to receive grant payments. 2. Sponsors who signed sponsorship agreements prior to December 19, 1997, shall not be subject to resource and income deeming. 3. Effective December 19, 1997 through December 31, 2013, sponsor deeming shall apply only to the qualified non-citizen's spouse and/or non-relative sponsor(s) identified in sponsorship agreements signed on or after December 19, 1997. a. A relative is defined as any relation by blood, adoption, or marriage. b. Kinship relations by marriage continue to exist even if the marriage is terminated by death or divorce. 4. Effective January 1, 2014, sponsor deeming shall apply to all of the qualified non-citizen's sponsors identified in sponsorship agreements signed on or after December 19, 1997,</i></p>		
--	--	---	--	--	--

Title of Proposed Rule:	HB 23-1117 Removal of the Agreement Not to Sponsor for Public Assistance		
CDHS Tracking #:	23-05-17-01		
CCR #:	9 CCR 2503-5		
Office, Division, & Program:	Office of Economic Security, Division of Economic & Workforce Support	Phone:	720-812-0825
Rule Author:	Abbey Frazier	E-Mail	abbey.frazier@state.co.us

		<p><i>relationship to the client.</i></p> <p><i>5. Because the sponsor, not the non-citizen, is solely liable for repayment, the sponsor cannot use the sponsored non-citizen's grant payments to repay the payments.</i></p> <p><i>E. If the qualified non-citizen fails to provide information related to the sponsor(s), as outlined in Section 3.520.69.B, assistance shall be denied or discontinued following the policies outlined in Section 3.554. If it is determined that the client received Adult Financial program grant payments because the client failed to provide necessary information related to the sponsor(s) or the sponsor(s) failed to cooperate with the county department in determining income and resources that are required to be deemed to the client, the county department shall recover such funds, as outlined in Section 3.520.69.D.</i></p> <p><i>F. Income and resources shall be deemed as outlined in Sections 3.534, C, and 3.520.72.</i></p>	<p><i>no matter the sponsor's relationship to the client.</i></p> <p><i>5. Because the sponsor, not the non-citizen, is solely liable for repayment, the sponsor cannot use the sponsored non-citizen's grant payments to repay the payments.</i></p> <p><i>ED. If the qualified non-citizen fails to provide information related to the sponsor(s), as outlined in Section 3.520.69.B, assistance shall be denied or discontinued following the policies outlined in Section 3.554. If it is determined that the client received Adult Financial program grant payments because the client failed to provide necessary information related to the sponsor(s) or the sponsor(s) failed to cooperate with the county department in determining income and resources that are required to be deemed to the client, the county department shall recover such funds, as outlined in Section 3.520.69.D.</i></p> <p><i>FE. Income and resources shall be deemed as outlined in Sections 3.534, C, and 3.520.72.</i></p>		
--	--	--	--	--	--

STAKEHOLDER COMMENT SUMMARY

Development

The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):

Economic Security Sub-PAC

This Rule-Making Package

The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:

County Human Services Directors, Economic Security Sub-PAC & PAC, Colorado Department of Health Care Policy and Financing, Family Voice Council

Other State Agencies

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

Yes No

If yes, who was contacted and what was their input?

HCFP has been contacted and will need to submit a separate rule package specific to HCPF rules.

Sub-PAC

Have these rules been reviewed by the appropriate Sub-PAC Committee?

Yes No

Name of Sub-PAC	Economic Security		
Date presented	June 8, 2023		
What issues were raised?	None		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	15	0	3
If not presented, explain why.	N/A		

PAC

Have these rules been approved by PAC?

Yes No

Date presented	July 6, 2023		
What issues were raised?	Counties expressed concern surrounding potential workload and administrative impacts.		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	16	0	0
If not presented, explain why.	N/A		

Other Comments

Comments were received from stakeholders on the proposed rules:

Yes No

If “yes” to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.

9 CCR 2503-5

Adult Financial Programs

3.520.69 SPONSORSHIP OF QUALIFIED NON-CITIZENS

This section shall apply to qualified non-citizens who entered the country on or after August 22, 1996.

~~A. As a condition of eligibility for financial assistance, any legal non-citizen applying for or receiving financial assistance shall agree that, during the time period the client is receiving financial assistance, the client shall not sign an affidavit of support for the purpose of sponsoring a noncitizen seeking permission from USCIS to enter or remain in the United States. A legal noncitizen's eligibility for financial assistance shall not be affected by the fact that the legal noncitizen has signed an affidavit of support for a non-citizen prior to his or her application for benefits.~~

~~BA.~~ If a client is a sponsored qualified non-citizen, he or she shall be responsible for the provision of any information and documentation related to the sponsor(s) and shall obtain cooperation from the sponsor(s) necessary to determine:

1. The identity and current address and contact information of the sponsor(s);
2. The relationship of the sponsor(s) to the qualified non-citizen;
3. Income and resources of the sponsor(s), which may be deemed available to the qualified non-citizen or recovered for repayment of grant payments paid to or on behalf of the qualified non-citizen.

~~CB.~~ It shall be presumed that an affidavit of support demonstrates the sponsor's ability to make income and resources available to a non-citizen whom he or she sponsors at a minimum of one hundred twenty-five percent (125%) of the Federal Poverty Guidelines, as defined in 3.510. Sponsors are expected to meet their financial commitments to the qualified non-citizen whom they sponsor and for whom they signed an affidavit of support until such time as the:

1. Qualified non-citizen has obtained U.S. citizenship; ~~or,~~
2. Qualified non-citizen has worked, or can be credited with forty (40) qualifying quarters of coverage under Title II of the Federal Social Security Act, 42 U.S.C. Section 413 (2018); ~~or~~
3. Qualified non-citizen leaves the United States and gives up lawful permanent resident status; ~~or,~~
4. Qualified non-citizen dies; ~~or,~~
5. Sponsor of the qualified non-citizen dies. The death of one sponsor does not terminate the support obligation of a joint sponsor. The sponsor's estate shall be required to repay public benefits; ~~or,~~

6. Qualified non-citizen becomes subject to removal proceedings, but he or she applies for and obtains a new grant of admission status in those proceedings based on a new affidavit of support, if one is required.

DC. Income and resources of the sponsor(s) shall be deemed to the client, as follows:

1. Sponsor deeming shall not apply to qualified non-citizens admitted as refugees or as political asylees. A non-citizen whose status as a political asylee or refugee has not yet been determined or finalized because his or her application to become a qualified noncitizen is in a pending status or for some other reason shall not be considered a qualified non-citizen admitted as a political asylee or refugee, and therefore, such non-citizen is not eligible to receive grant payments.

2. Sponsors who signed sponsorship agreements prior to December 19, 1997, shall not be subject to resource and income deeming.

3. Effective December 19, 1997 through December 31, 2013, sponsor deeming shall apply only to the qualified non-citizen's spouse and/or non-relative sponsor(s) identified in sponsorship agreements signed on or after December 19, 1997.

a. A relative is defined as any relation by blood, adoption, or marriage.

b. Kinship relations by marriage continue to exist even if the marriage is terminated by death or divorce.

4. Effective January 1, 2014, sponsor deeming shall apply to all of the qualified non-citizen's sponsors identified in sponsorship agreements signed on or after December 19, 1997, no matter the sponsor's relationship to the client.

5. Because the sponsor, not the non-citizen, is solely liable for repayment, the sponsor cannot use the sponsored non-citizen's grant payments to repay the payments.

ED. If the qualified non-citizen fails to provide information related to the sponsor(s), as outlined in Section 3.520.69.BA, assistance shall be denied or discontinued following the policies outlined in Section 3.554.

If it is determined that the client received Adult Financial program grant payments because the client failed to provide necessary information related to the sponsor(s) or the sponsor(s) failed to cooperate with the county department in determining income and resources that are required to be deemed to the client, the county department shall recover such funds, as outlined in Section 3.520.69.DC.

EE. Income and resources shall be deemed as outlined in Sections 3.534, 3.520.69.BG, and 3.520.72.