

Title of Proposed Rule:	HB 23-1117 Removal of the Agreement Not to Sponsor for Public Assistance		
CDHS Tracking #:	23-05-17-02		
CCR #:	9 CCR 2503-6		
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

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:

- | | |
|---|---|
| X | 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To meet the statutory requirement in HB 23-1117 that the repealed prohibition on legal non-citizens sponsoring another non-citizen while receiving public benefits is effective 90 days after the final adjournment of the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.					

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REGULATORY ANALYSIS

1. List of groups impacted by this rule.

Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?

This rule change will impact all Colorado Works (CW) clients who are legal immigrants.

This rule change will impact all county departments of human services as they administer CW.

2. Describe the qualitative and quantitative impact.

How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?

This rule will positively impact Colorado Works (CW) clients who are legal immigrants and are no longer prohibited from sponsoring another non-citizen while receiving public assistance. In SFY 2021-22, there were 1,892 legal non-citizens on CW, and in SFY 2022-23 (to date) there were 1,693.

Based on the number of CW application denials due to failure to sign the agreement not to sponsor form, the quantitative impact is likely minimal. In SFY 2019-20 there were 212 denials for this reason, in SFY 2020-21 there were 195, and in SFY 2021-22, there were 138.

This rule may minimally increase CW caseload on an ongoing basis if enrollment in public assistance programs increases as a result of the repealed requirement. Any increase will likely be minimal, as it is assumed that most persons in need of public assistance under current law will seek assistance and refrain from sponsoring a bid for immigration.

3. Fiscal Impact

*For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources. **Answer should NEVER be just “no impact” answer should include “no impact because...”***

State Fiscal Impact (Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)

Based on the number of CW application denials due to failure to sign the agreement not to sponsor form, the fiscal impact is expected to be absorbable. In SFY 2019-20 there were 212 denials for this reason, in SFY 2020-21 there were 195, and in SFY 2021-22, there were 138. At an average payment amount of \$461 per case, between \$763,416 and \$1,172,784 in annual CW costs were previously avoided as a result of the agreement not to sponsor form.

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This rule may increase CW expenditures on an ongoing basis if enrollment in public assistance programs increases as a result of the repealed requirement. Any increase will likely be minimal, as it is assumed that most persons in need of public assistance under current law will seek assistance and refrain from sponsoring a bid for immigration.

The CW County Block Grant receives an annual appropriation of \$150,548,087 (\$128,198,357 federal TANF funds and \$22,349,730 in county matching funds) and is expected to absorb any increased costs related to this rule.

This rule change requires an estimated 640 hours of contractor computer programming to modify CBMS at a rate of \$124 per hour, amounting to \$79,328. This 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 CW enrollment on an ongoing basis. Counties contribute approximately 14.8% of statewide CW costs. There may also be increased administrative costs related to processing additional CW cases if the rule change increases enrollment, however, this rule also reduces administrative burden to counties by eliminating required paperwork.

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

Colorado Works funding is received through a federal block grant of TANF funds. The amount of federal funding is not impacted by this bill and is not expected to change.

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

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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...”

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.

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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
7.000	<i>Incorrect Statutory Reference</i>	Section 26.5.103 C.R.S.	Section 26.5-101(3) C.R.S.		
3.604.3	<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>	<p>3.604.3 Program Verifications</p> <p>J. Verification required from non-citizens</p> <p>1. As a condition of eligibility for financial assistance, when a sponsored non-citizen is included in the assistance unit or budgetary unit, the client must provide income information about the non-citizen's sponsor(s).</p> <p>2. As a condition of eligibility for financial assistance, any legal immigrant applying for or receiving financial assistance shall agree in writing that, during the time period the recipient is receiving financial assistance, the recipient will not sign an affidavit of support for the purpose of sponsoring a non-citizen seeking permission from the USCIS to enter or remain in the United States. A legal immigrant's eligibility for financial assistance shall not be affected by the fact that the legal immigrant has signed an affidavit of support for a</p>	<p>3.604.3 Program Verifications</p> <p>J. Verification required from non-citizens</p> <p>1. As a condition of eligibility for financial assistance, when a sponsored non-citizen is included in the assistance unit or budgetary unit, the client must provide income information about the non-citizen's sponsor(s).</p> <p>2. As a condition of eligibility for financial assistance, any legal immigrant applying for or receiving financial assistance shall agree in writing that, during the time period the recipient is receiving financial assistance, the recipient will not sign an affidavit of support for the purpose of sponsoring a non-citizen seeking permission from the USCIS to enter or remain in the United States. A legal immigrant's eligibility for financial assistance shall not be affected by the fact that the legal immigrant has signed an affidavit of support for a non-citizen before July 1, 1997.</p>	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.	Yes/See Stakeholder Comment Section of the Rule Package

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		<i>non-citizen before July 1, 1997.</i>			
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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 HCFP 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 HCFP 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 2503-6
Adult Financial Programs

3.604.3 Program Verifications

J. Verification required from non-citizens

1. As a condition of eligibility for financial assistance, when a sponsored non-citizen is included in the assistance unit or budgetary unit, the client must provide income information about the non-citizen's sponsor(s).

~~2. As a condition of eligibility for financial assistance, any legal immigrant applying for or receiving financial assistance shall agree in writing that, during the time period the recipient is receiving financial assistance, the recipient will not sign an affidavit of support for the purpose of sponsoring a non-citizen seeking permission from the USCIS to enter or remain in the United States. A legal immigrant's eligibility for financial assistance shall not be affected by the fact that the legal immigrant has signed an affidavit of support for a non-citizen before July 1, 1997.~~