

**Title of Proposed Rule:** Increase to Colorado Works Basic Cash Assistance 2022  
**CDHS Tracking #:** 22-05-17-01  
**CCR #:** 9CCR 2503-6  
**Office, Division, & Program:** OES/EBD/CW **Phone:** 303-866-5050  
**Rule Author:** Crickett Phelps **E-Mail:** Crickett.phelps@state.co.us

**RULEMAKING PACKET**

**Type of Rule:** *(complete a and b, below)*

- a.  Board  Executive Director  
b.  Regular  Emergency

**This package is submitted to State Board Administration as:** *(check all that apply)*

<input type="checkbox"/> AG Initial Review	<input type="checkbox"/> Initial Board Reading	<input type="checkbox"/> AG 2 <sup>nd</sup> Review	<input checked="" type="checkbox"/> Second Board Reading / Adoption
--	--	--	---

This package contains the following types of rules: *(check all that apply)*

Number	
1	Amended Rules
0	New Rules
0	Repealed Rules
0	Reviewed Rules

What month is being requested for this rule to first go before the State Board? June 2022

What date is being requested for this rule to be effective? June 3, 2022

Is this date legislatively required? yes

I hereby certify that I am aware of this rule-making and that any necessary consultation with the Executive Director’s Office, Budget and Policy Unit, and Office of Information Technology has occurred.

**Office Director Approval:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**REVIEW TO BE COMPLETED BY STATE BOARD ADMINISTRATION**

Comments:

Estimated Dates: 1st Board 6/2022 2nd Board 7/2022 Effective Date 6/3/2022 (Emer)  
8/30/2022 (Perm)

**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***

**Title of Proposed Rule:** Increase to Colorado Works Basic Cash Assistance 2022  
**CDHS Tracking #:** 22-05-17-01  
**CCR #:** 9CCR 2503-6  
**Office, Division, & Program:** OES/EBD/CW Phone: 303-866-5050  
**Rule Author:** Crickett Phelps E-Mail: Crickett.phelps@state.co.us

Colorado Works is Colorado’s Temporary Assistance for Needy Families (TANF) program. Through this program, eligible Colorado families receive cash assistance and work support to strengthen their economic and social stability. On the last day of the legislative session, May 11, 2022, the Colorado General Assembly fully passed HB 22-1259, Modifications to Colorado Works Program. This bill is now on the Governor’s desk for signature and will become law no later than June 11, 2022. The bill provides for an immediate increase to the Colorado Works Basic Cash Assistance amount, effective July 1, 2022. These rule amendments are necessary to comply with new Colorado 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: Legislation was passed requiring a 10% increase to the Colorado Works cash assistance grant effective 7/1/2022.

**State Board Authority for Rule:**

Code	Description
26-1-107(5)(b), C.R.S. (2021)	State Board to promulgate rules for programs administered by the state department as set forth in titles 26 and 27.
26-1-111(2)(a), (d), C.R.S. (2021)	The state department to administer or supervise all forms of public assistance and welfare, including all assistance payments, and to promulgate program scope rules for the effective administration of public assistance and welfare pursuant to section 26-1-107, C.R.S.
26-1-201(1)(d), C.R.S. (2021)	All public assistance programs in article 2 of Title 26 are administered by the state department.

**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
26-2-709(1)(a), C.R.S. (2021)	State department shall promulgate rules to determine the amount of the basic cash assistance grant for the Colorado Works Program.

Does the rule incorporate material by reference?	Yes	<input checked="" type="checkbox"/>	No
Does this rule repeat language found in statute?	Yes	<input checked="" type="checkbox"/>	No
If yes, please explain.			

<b>Title of Proposed Rule:</b>	Increase to Colorado Works Basic Cash Assistance 2022	
<b>CDHS Tracking #:</b>	22-05-17-01	
<b>CCR #:</b>	9CCR 2503-6	
Office, Division, & Program:	OES/EBD/CW	Phone: 303-866-5050
Rule Author:	Crickett Phelps	E-Mail: Crickett.phelps@state.co.us

## 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 recipients. County departments of human services will also be impacted by this change.

### 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?*

There are approximately 13,500 families who receive Colorado Works each month. Each of these families will receive an increase to their monthly grant payment. This is a positive change for these families.

County departments contribute to the Colorado Works grant payments through a Maintenance of Effort. See fiscal section below.

### 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)

All costs in FY 2022-23 are assumed to be paid from the Colorado Long-Term Works Reserve. For FY 2023-24, it is assumed that there will be about \$5.2 million in transferred American Rescue Plan Act (ARPA) funds remaining to cover the increased benefits under the bill; after these funds are used, the costs of basic cash assistance will be paid equally from General Fund, Unclaimed Property Tax, and state and county TANF reserves, as there are expected to be sufficient state and county reserve levels. All administrative costs under the bill are assumed to be paid from the Colorado Long-Term Works Reserve.

A change to the CBMS is required but is a no cost change to a data table.

County Fiscal Impact

Counties have a maintenance of effort requirement for Colorado Works and contribute approximately 15% in county funds to payments for Colorado Works basic cash assistance. Counties will contribute the same percentage and will see an increase in spending based on the increase in the grant standard.

The bill requires monthly basic cash assistance payments under Colorado Works to increase by 10 percent above the previous year’s level in FY 2022-23. The bill transfers \$18 million from the

<b>Title of Proposed Rule:</b>	Increase to Colorado Works Basic Cash Assistance 2022	
<b>CDHS Tracking #:</b>	22-05-17-01	
<b>CCR #:</b>	9CCR 2503-6	
<b>Office, Division, &amp; Program:</b>	OES/EBD/CW	Phone: 303-866-5050
<b>Rule Author:</b>	Crickett Phelps	E-Mail: Crickett.phelps@state.co.us

Economic Recovery and Relief Cash Fund to the Colorado Long-Term Works Reserve to cover the costs of increasing basic cash assistance under the bill in FY 2022-23 and FY 2023-24. Once available money from the transfer is used, the costs of increasing cash assistance under the bill relative to the FY 2021-22 cash assistance amount must be split evenly between the General Fund, the Unclaimed Property Trust Fund, and state and county TANF reserves starting in FY 2023-24. CDHS must determine an equitable portion of TANF reserves that must come from the state and from counties. The bill includes triggers for changes in funding sources based on the level of funds in state and county TANF fund reserves. The Joint Budget Committee (JBC) must review the amount of state and county TANF reserves available each year to determine if the reserves are expected to fall below the specified thresholds so that the state can adjust appropriations in line with the bill's requirements.

Federal Fiscal Impact Colorado Works is funded primarily through the Temporary Assistance to Needy Families (TANF) block grant. There is no impact to the federal funding, this block grant amount has remained unchanged since the inception of TANF.

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

None

#### 4. Data Description

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

Data was gathered from the fiscal note for HB22-1259 and ad hoc from the CBMS.

#### 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..."*

This change is legislatively required, there is no alternative.

**Title of Proposed Rule:** Increase to Colorado Works Basic Cash Assistance 2022  
**CDHS Tracking #:** 22-05-17-01  
**CCR #:** 9CCR 2503-6  
**Office, Division, & Program:** OES/EBD/CW Phone: 303-866-5050  
**Rule Author:** Crickett Phelps E-Mail: Crickett.phelps@state.co.us

**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
3.606.1	Need to increase the grant amounts.	Determining Eligibility for Basic Cash Assistance Grant Based on the Need Standard	The rule change updates to the Standards of Assistance Chart to include a 10% increase to each tier of the Grant Amount	Required by legislation passed in the most recent session.	No

## 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): The Economic Security Sub-PAC and PAC will be involved.

### 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 Departments of Human Services, Economic Security Sub-PAC, PAC, Advocacy agencies

### 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?

### Sub-PAC

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

Yes  No

Name of Sub-PAC	Economic Security		
Date presented	May 2022		
What issues were raised?	None		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	17 (unanimous)		
If not presented, explain why.			

### PAC

Have these rules been approved by PAC?

Yes  No

Date presented	June 2, 2022		
What issues were raised?	None		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	Unanimous		
If not presented, explain why.			

### 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.

DEPARTMENT OF HUMAN SERVICES  
 Income Maintenance (Volume 3)  
 COLORADO WORKS PROGRAM  
 9 CCR 2503-6

\*\*\*\*\*

3.606.1 Basic Cash Assistance

\*\*\*\*\*

F. Determining Eligibility for Basic Cash Assistance Grant Based on the Need Standard

The basic cash assistance grant shall be determined based upon income using the following need standard. If the participant has zero income the following cash payment shall be received based upon those included in the assistance unit:

COLORADO WORKS STANDARDS OF ASSISTANCE CHART

Caretaker(s) of Children \_\_\_\_\_ Number of Dependent Children

	0	1	2	3	4	5	6	7	8	9	10	Ea. Add.
<b>No Caretaker</b>												
Need Std.	0	117	245	368	490	587	678	755	830	904	977	67
Grant Amt.	0	141	296	444	593	711	821	915	1004	1095	1195	74
<b>One Caretaker</b>												
Need Std.	253	331	421	510	605	697	770	844	920	992	1065	67
Grant Amt.	306	400	508	617	732	844	932	1022	1113	1201	1289	74
<b>Two Caretakers</b>												
Need Std.	357	439	533	628	716	787	861	937	1009	1082	1155	67
Grant Amt.	431	531	645	760	866	952	1042	1135	1222	1309	1398	74

		0	1	2	3	4	5	6	7	8	9	10	EACH ADDITIONAL CHILD
NO CARETAKER	NEED STANDARD	0	117	245	368	490	587	678	755	830	904	977	67
	GRANT STANDARD	0	156	326	489	653	783	904	1007	1105	1205	1315	82
ONE CARETAKER	NEED STANDARD	253	331	421	510	605	697	770	844	920	992	1065	67
	GRANT STANDARD	337	440	559	679	806	929	1026	1125	1225	1322	1418	82
TWO CARETAKERS	NEED STANDARD	357	439	533	628	716	787	861	937	1009	1082	1155	67
	GRANT STANDARD	475	585	710	836	953	1048	1147	1249	1345	1440	1538	82

-----