

Title of Proposed Rule: Basic Cash Assistance Increase

CDHS Tracking #: 18-01-03-01

Office, Division, & Program: Rule Author:
OES, EBD, CoWorks Program Katie Griego

Phone: 303-866-2882
E-Mail: Katie.griego@state.co.us

STATEMENT OF BASIS AND PURPOSE

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

This is a request to increase the current Colorado Works Basic Cash Assistance grant by 10%. The purpose of this change is to ensure BCA is increased to more closely align with inflation and cost of living increases. Colorado Works is the State’s Temporary Assistance for Needy Families (TANF) program. It provides cash assistance and employment and stabilization services to Colorado’s neediest families. The value of the cash assistance benefits has eroded over time, as it is not adjusted for inflation or cost of living increases. Since its establishment in 1997, the purchasing power of Colorado’s Basic Cash Assistance (BCA) grant has decreased 35%. The benefit amount was last modified slightly in 2009.

State Board Authority for Rule:

Code	Description
26-1-107, C.R.S. (2017)	State Board to promulgate rules
26-1-109, C.R.S. (2017)	State department rules to coordinate with federal programs
26-1-111, C.R.S. (2017)	State department to promulgate rules for public assistance and welfare activities.

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
26-2-706.6, C.R.S. (2017)	Payments and services under Colorado works - rules - repeal

Does the rule incorporate material by reference? Yes No
Does this rule repeat language found in statute? Yes No

If yes, please explain.

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

- a. Board Executive Director
- b. Regular Emergency

DOCUMENT 1

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REGULATORY ANALYSIS

1. List of groups impacted by this rule.

The most vulnerable, impoverished Colorado families will benefit from this rule. Currently, a single parent household with two children enrolled in the Colorado Works program receives a maximum monthly payment of \$462. The payment is intended to cover: shelter, utilities, household goods, food, clothing, personal care items, general incidental expenses, and other necessary expenses. This provides very limited resources for families striving to achieve economic stability and exit poverty permanently.

The benefits increases are within the existing appropriation and available funding to counties. There is no additional administrative burden or requirements as a result of the increases. The impact to counties will be through increased expenditures using their existing county allocations and County TANF Reserves.

2. Describe the qualitative and quantitative impact.

The Colorado Works Basic Cash Assistance payment will increase an average of \$46 per case per month. Based on the FY 2016-17 caseload data, the statewide fiscal impact will be an increase of approximately \$8,100,286 in Basic Cash Assistance paid to participants. This estimate is based on caseload trends.

The increase will benefit approximately 17,000 families monthly, about 34,500 annually, who receive Colorado Works Basic Cash Assistance. The value of the current benefit is approximately 28.6% of the current Federal Poverty Threshold and will increase to approximately 31.5%. There is no proposed change to the Need Standard, so the grant increase is unlikely to result in any caseload increase.

Many years of accumulated evidence supports the notion that alleviating childhood deprivation has long-term benefits on their academic achievement, health, and adult earning power.¹ With increased income, parents can better support their children and themselves while continuing to work towards sustainable employment.

3. Fiscal Impact

State Fiscal Impact

There will be CBMS costs required to make changes. The changes will be accomplished within the existing CBMS resources/appropriation.

There are no additional State fiscal impacts as a result of this rule change. The changes do not require an increase to the County Block Grant. Benefits increases will be within the existing Block Grant appropriation.

¹ Sherman, Arloc and Mitchell, Tazra. Economic Security Programs Health Low-Income Children Succeed Over Long Term, Many Studies Find. Center on Budget and Policy Priorities. Published July 17, 2017. Accessed August 1, 2017.

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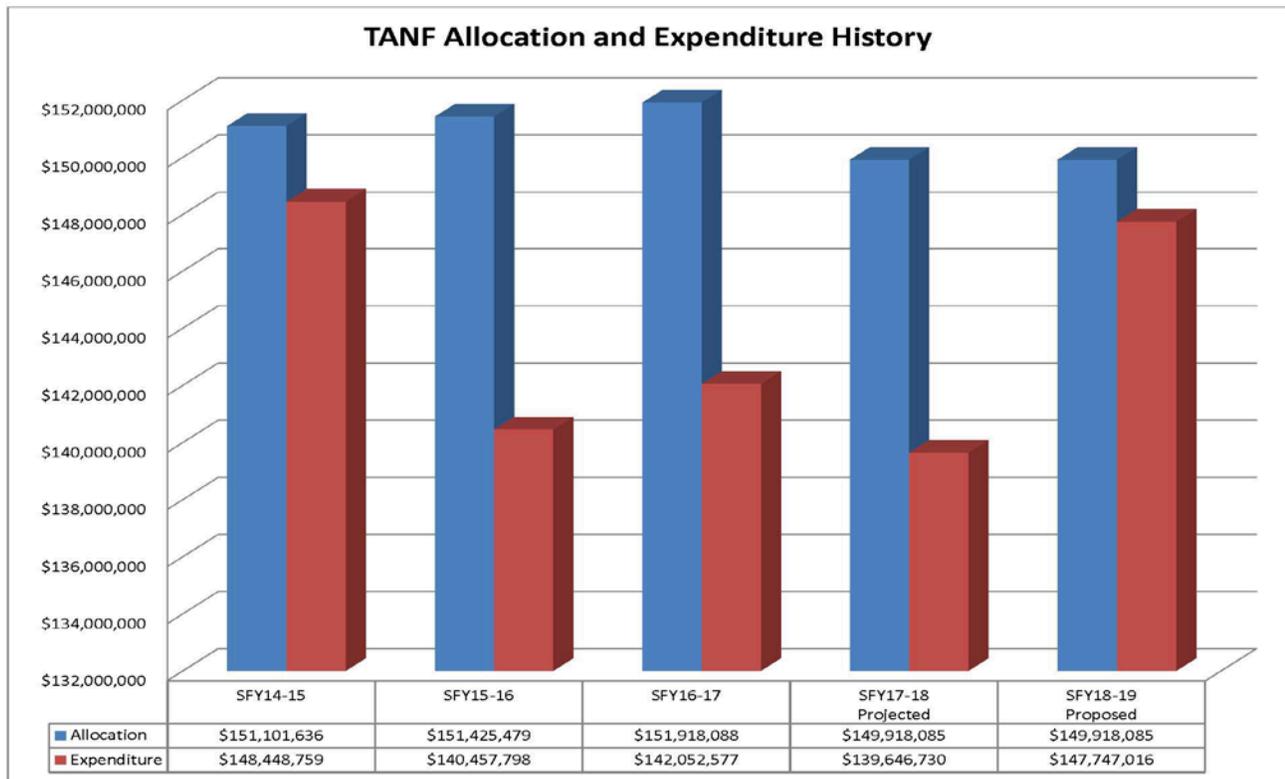
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County Fiscal Impact

Expenditure increases are projected to be approximately \$8,100,286 statewide and will be funded with the existing Colorado Works County Block Grant. The current Block Grant allocation gives some priority to Basic Cash Assistance spending; counties spending more on BCA are more likely to receive increased allocations in subsequent years. Also, balance-of-state counties with high BCA spending may be eligible for additional funding from the Works Allocation Committee Mitigation Pool.

Collectively, counties have underspent their Colorado Works appropriation in each of the last four years – by \$10.3 million in FY 2016-17. As a result, the County Colorado Works/TANF Reserves have increased from \$30.6 million at the end of FY 2013-14 to \$51.0 million at the end of FY 2016-17 (about one third of the annual block grant appropriation). This benefit increase is projected to have minimal impact on County TANF Reserves assuming consistent caseload and expenditures.



The Department will continuously monitor caseload, expenditures, and County Colorado Works/TANF Reserve levels to ensure counties have sufficient resources to operate the program.

There is no additional or increased county Maintenance of Effort requirement. The County MOE amount is outlined in the Annual Long Bill.

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Federal Fiscal Impact

There is no federal fiscal impact. All expenditures will be within existing federal funds.

Other Fiscal Impact

There is no additional fiscal impact to any other provider or local governments. All benefits increases will be paid within the existing County TANF Block Grant and County TANF Reserve.

4. Data Description

The Employment and Benefits Division relied on the following data from the Administration for Children and Families (ACF) and internal resources when developing this rule:

Since 1997 Colorado's Basic Cash Assistance amount has decreased by 35% (14.9% since 2009 when the last benefit amount adjustment occurred) in inflation-adjusted dollars due to a lack of regular increases and or adjustments relative to the cost of living.

The caseload has declined about 8% to 17,166 from its recession peak of 18,659 in October 2013. It has remained below 18,000 since January 2015.

5. Alternatives to this Rule-making

Various alternatives and options were considered before finalizing the decisions proposed in this change. See options A-C below:

A. Increase BCA Relative to the Federal Poverty Level. Colorado ranks 23rd out of the 50 states in terms of cash grant amount as a percentage of the Federal Poverty Level (FPL). While Colorado is roughly in the middle of the 50 states, BCA grant amount are drastically different, even when compared to Colorado. For example, New York's BCA is 47% of FPL. To match that, Colorado would need to increase the grant for a family of three by \$327.60 or 71%. Another example of a state with a higher percentage of FPL is Montana, where a family of three receives an additional \$126 compared to a same-sized family in Colorado.

B. Increase BCA Relative to the Housing and Urban Development (HUD) Fair Market Rent (FMR). Colorado ranks 28th out of the 50 states in terms of cash grant amount as a percentage of HUD FMR. Top-ranked South Dakota issues a BCA of \$943 while Minnesota (14th ranked) issues \$632. To match either of these amounts, Colorado would need to increase by \$480 or \$170, respectively.

C. Increase BCA Relative to Minimum Wage Increases. From 1996 to 2017, the hourly minimum wage in Colorado has more than doubled, from \$4.25 to \$9.30, a 119% increase. In contrast, the monthly benefit amount for a family of three has increased from \$356 to \$462 in that same time period, an increase of 30%. To match minimum wage, Colorado would need to increase its monthly BCA grant amount for a family of three to \$779, a difference of 69% or \$317.

The recommended increase was intended to be sufficient to have an impact on benefits received and be within existing available TANF resources.

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OVERVIEW OF PROPOSED RULE

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
3.606.2 (F)	Grant amounts do not account for inflation	Determining Eligibility for Basic Cash Assistance Grant Based on the Standard of Need 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	Standards of assistance chart with new grant amounts updated to account for inflation.	Increase grant amount to a more livable amount	No

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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):

None

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 Association; Colorado Legal Services; Disability Law Colorado; All Families Deserve a Chance (AFDC) Coalition; Policy Advisory Committee; Economic Security Sub-PAC; Legal Aid of Metropolitan Denver; Colorado Center on Law and Policy; Colorado Counties, Inc.; and the Food and Energy Assistance Division.

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?

Marivel Klueckman with Health Care Policy and Financing-no input received.

Sub-PAC

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

Yes No

Name of Sub-PAC	Economic Security
Date presented	03/08/2018
What issues were raised?	<p>The following reflects feedback garnered on the BCA rule package through a variety of forums (e.g., Finance and OES sub-PACs, CCI, open State-wide phone calls, and one-on-one conversations).</p> <p>The majority of counties have indicated that they are philosophically aligned with increasing the BCA grant amount given that it has not increased in roughly ten years, has not kept pace with inflation, and that the current amount is not sufficient for families in dire poverty.</p> <p>At the same time, counties have expressed concern regarding the financial feasibility of the proposal when considering the TANF, Child Welfare, and Child Care funding simultaneously.</p> <p>a) At the time of the original proposal (Fall 2017), Child Care was projected to have an over-expenditure. The department worked alongside counties to secure supplemental funding for the program and what is likely future enhanced funding from the General Assembly. In addition, the projected over-expenditure has decreased over time. More recently, counties have expressed less concern about Child Care funding in relation to this proposal.</p>

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b) Also, at the time of the original proposal, Child Welfare was projected to have an over-expenditure. Supplemental funding has also been secured for Child Welfare and there are current discussions regarding mechanisms to enhance future funding. Counties have continued to express concerns about Child Welfare funding.

There are a few counties that have expressed that they are not philosophically aligned with the current rule package, in that they believe this will encourage greater government dependency.

Vote Count

<i>For</i>	<i>Against</i>	<i>Abstain</i>
N/A	N/A	N/A

If not presented, explain why.

No vote was taken given that Colorado Counties, Inc. (CCI) indicated through a vote that they would not be supportive of the proposed increase due to financial concerns in the Colorado Child Care Assistance and Child Welfare Programs. However, several counties indicated that they are in alignment philosophically with the Department's desire to increase BCA. Due to many county commissioners desire, Sub-PAC was notified that the Department is interested in hearing their input and would be discussing this in greater detail during the 04/05/2018 PAC.

PAC

Have these rules been approved by PAC?

Yes No

Date presented

04/05/2018

What issues were raised?

The following reflects feedback garnered on the BCA rule package through a variety of forums (e.g., Finance and OES sub-PACs, CCI, open State-wide phone calls, and one-on-one conversations).

The majority of counties have indicated that they are philosophically aligned with increasing the BCA grant amount given that it has not increased in roughly ten years, has not kept pace with inflation, and that the current amount is not sufficient for families in dire poverty.

At the same time, counties have expressed concern regarding the financial feasibility of the proposal when considering the TANF, Child Welfare, and Child Care funding simultaneously.

a) At the time of the original proposal (Fall 2017), Child Care was projected to have an over-expenditure. The department worked alongside counties to secure supplemental funding for the program and what is likely future enhanced funding from the General Assembly. In addition, the projected over-expenditure has decreased over time. More recently, counties have expressed less concern about Child Care funding in relation to this proposal.

b) Also, at the time of the original proposal, Child Welfare was projected to have an over-expenditure. Supplemental funding has also been secured for Child Welfare and there are current discussions

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There are a few counties that have expressed that they are not philosophically aligned with the current rule package, in that they believe this will encourage greater government dependency.

Vote Count

<i>For</i>	<i>Against</i>	<i>Abstain</i>
N/A	N/A	N/A

If not presented, explain why.

A formal vote was not necessary due to the unanimous vote CCI took in January of 2018 to not support the BCA increase. Due to CCI counties indicating that they would not support a BCA increase, the Department chose to engage with the counties in a dialogue to more fully understand county positions and concerns related to the proposed rules. This dialogue occurred through the Sub-PAC process and a variety of other forums over several months. The rules were discussed at PAC on April 5, 2018. Counties expressed concerns in two main areas:

1. County allocations have not increased since the inception of the program.
2. Current county allocations cannot cover a 10% increase due to overspending in Child Welfare and CCCAP. These over expenditures have been covered by TANF transfers to these programs.

The Department, while respecting the county opinion, expressed the strong belief that an increase to BCA is long overdue given the needs of the population, and collectively the program has available funds to support this request, therefore the Department has determined to take this proposal to the State Board of Human Services. The State further recognizes that there is adequate funding in the Colorado Works program to support Colorado Works participants however recognizes and is committed to find solutions in both the Child Care Assistance and Child Welfare programs. Waiting for a solution in these programs would further disservice Colorado Works participants. Counties further agreed that if the funding issues in CCCAP and Child Welfare could be fixed, their support for this change would be different. Counties philosophy is in alignment with the Department and some counties are in favor of this change.

Last, counties that are not a part of CCI have been contacted and the matter discussed extensively with them as well and the Department recognizes while the vote at CCI was unanimous, it may not have been fully representative. An example is the expressed request made by the San Luis Valley region that are in favor of the BCA increase and wanted the Board to consider that they do not oppose the increase. Counties were encouraged to attend State Board and present their perspective.

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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.

From the Colorado Center on Law and Policy:

The Colorado Center on Law and Policy strongly supports the proposed rule, “Basic Cash Assistance Increase.” This rule would bolster economic security for Colorado’s most vulnerable families and children, by adjusting the Basic Cash Assistance (“BCA”) grant amounts to reflect inflation.

Many residents who receive BCA rely on this program as their sole source of income. This resource enables greater food security, prevents homelessness, and allows families to meet their basic needs during the time when household members are acquiring the tools to gain employment in the workforce. Unfortunately, the rising cost of living in Colorado has steadily eroded the value of this resource. For example, in 1996, BCA represented 62.3% of fair market rents in Colorado. By 2000, BCA only reflected 55.5% of fair market rents, and as of 2017, this has declined further to 40.4%. This proposed increase will help restore the value of this vital public program and will enable cost-of-living adjustments in order to prevent future erosion of the monthly grant.

This proposed rule is also in accordance with national trends. As noted in a [report](#) by the Center on Budget and Policy Priorities: “Nine states plus Washington, D.C., raised TANF benefits between July 2016 (the start of fiscal year 2017 in most states) and July 2017; two others enacted legislation that will raise benefit levels after July 2017.” Moreover, as noted in the proposal, this increase is relatively modest compared to the amount of cash assistance provided in other states, and it would be sustained by the existing financial resources that are allocated for the program.

This proposed increase to BCA will offer much needed support to more than ten thousand low-income families in Colorado. It would increase food security, access to utilities, and housing stability. We commend the Colorado Department of Human Services for offering this proposal, and we urge the members of the State Human Services Board to support this important effort.

Sincerely,

Jack Regenbogen, Esq.

Colorado Center on Law and Policy
789 Sherman St. Suite #300
Denver, CO 80203

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Fact sheet from the All Families Deserve a Chance (AFDC) Coalition (with list of specific community support):



Increase Basic Cash Assistance

What is Colorado Works?

Colorado Works is Colorado's Temporary Assistance for Needy Families (TANF) program. The program aims to strengthen families' economic and social stability by providing basic cash assistance, connecting families with resources, and attaching those with the ability to work to employment opportunities. On average, a family participates in Colorado Works for eight months.

What is basic cash assistance (BCA)?

BCA works directly to break down barriers to family stability and employment by helping participants pay for transportation, housing, childcare, food, and other necessities. The average BCA amount is currently \$462/month for a household with one adult and two children.

What is the proposal to increase BCA?

The State Department of Human Services has proposed increasing BCA for Colorado Works Participants by 10 percent, or an average of \$46 per month. The Colorado Human Services Board will consider this proposal in June 2018.

Why increase BCA?

The BCA amount has been stagnant since 2009. It has not kept pace with inflation or increases in the minimum wage. The proposed increase will help the most vulnerable Coloradans avoid falling even further behind. Research shows that when families' income increases, children's education and health outcomes and future earning capacity improve dramatically.

Did you know?

12.5 percent of Colorado Works participants are experiencing homelessness.

*Think about what a 10 percent increase in your income would mean to your family.
For Colorado Works participants, an extra \$46 each month means:*

- One month of diapers
- One week of infant formula
- Nine meals for family of four
- Two weeks' worth of gasoline
- RTD discount fare monthly pass
- Four 6-packs of socks
- Kids waterproof winter boots
- Internet access for one month
- Period products for three months
- Cellular service for a month

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Support for Increasing BCA

9to5 Colorado
All Families Deserve a Chance Coalition
Asian Pacific Development Center
Bayaud Enterprises
Bright Future Foundation of Eagle County
Children's Hospital Colorado
Center for Health Progress
Colorado Center on Law and Policy
Colorado Coalition for the Homeless
Colorado Community Health Network
Colorado Cross Disability Coalition
Colorado Fiscal Institute
Colorado Social Legislation Committee
Colorado Springs Food Rescue
COLOR
The Consortium
CWEE
Denver Food Rescue
Emergency Family Assistance Association (EFAA)

Energy Outreach Colorado
Housing Solutions for the Southwest
Human Services Network
Hunger Free Colorado
Interfaith Alliance of Colorado
La Plata County Thrive! Living Wage Coalition
LiveWell Colorado
Lutheran Advocacy Ministries
NARAL Pro-Choice Colorado
People's Advocacy Council
Posada of Pueblo
Rodfei Tzedek of Congregation Rodef Shalom
S.H.A.R.E., Inc.
St. Francis Center
The Denver Foundation
Tri-County Health Network
UNE
Women's Lobby of Colorado

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Letter from Denver Department of Human Services:

April 2, 2018

The Denver Department of Human Services recognizes that the level of Basic Cash Assistance payments made to eligible Colorado Works recipients has not been increased in a number of years and is overdue one. Generally speaking, we are in agreement with the Colorado Department of Human Services' proposal to increase the grant amounts by ten percent. However, there are a few lingering concerns that we want to share with the Board:

- **Statutory Guidance:** CRS 26-2-709(c) states that "An increase in the amount of the basic cash assistance grant approved by the state department shall not take effect unless the funding for the increase is included in the annual general appropriation act of a supplemental appropriation act." There was no specific appropriation request or supplemental appropriation request made to support the proposed increase. The State believes that the current funding level is sufficient to support the increase without needing any additional appropriation. Given some of the uncertainties as explained above, Denver would counsel the Board to request a State Attorney General's opinion regarding the applicability of the statutory provision cited above. Denver has been assured that such an opinion was already secured, and with that, the State should be able to provide the Board with that opinion.
- **Sustainability:** While it's generally acknowledged that the counties and the State, collectively, have adequate levels of TANF funding in reserve to currently support the proposed increase, we also know that the longer term prospects are less certain. Some factors to take into account include:
 - Reliability of federal TANF Contingency funds, which are not guaranteed from year to year, and have repeatedly been considered for elimination at the federal level. The loss of the Contingency funding would reduce the federal funding by roughly \$11 million per year, which approximates the level of funding needed to support the proposed increase.
 - Counties' planned use for their annual TANF allocations and reserves: The CDHS Audit Division surveyed counties to determine the extent to which the counties had developed plans for the use of the TANF funds. The compilation and results of that survey have not been shared with the counties, but may reveal a planned use of the funds that might not be recognized and factored into the State's analysis of the viability of the increase.
- **Impacts of basic cash assistance grant increase on other program benefits:** Program staff analysis has illustrated that increases in the basic cash assistance grant amounts can result in reductions to households' SNAP benefits allotments, as well as a household's public housing assistance. The Board needs to understand these impacts, and ask whether there are options that can be considered that would avoid the offsetting impact that would otherwise occur. For example, counties might be encouraged to use "other assistance," as defined in CRS 26-2-709(c)(2), as an alternative approach.

As the Board is aware, when considering a policy change with the level of impact such as is being considered, CDHS typically would follow a standardized process through the State and County Policy Advisory Committee structure to socialize and discuss a policy change with the magnitude and reach of the proposed increase to TANF basic cash assistance. Had the State opted to follow its conventional practice, the issues Denver is sharing directly with the Board would have been discussed with our county colleagues and State partners in advance of the

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proposal reaching the Board for its decision. In the absence of this more interactive process, Denver wanted to share its perspective directly with Board members.

3.606.2 Basic Cash Assistance [Rev. eff. 7/1/13]

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

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

**Specified Caretaker(s)
of Children**

Number of Dependent Children

	0	1	2	3	4	5	6	7	8	9	10	Ea. Add.
No Specified Caretaker												
Need Std.	0	117	245	368	490	587	678	755	830	904	977	67
Grant Amt.	0	128	269	404	539	646	746	832	913	995	1086	72
Grant Amt.	0	141	296	444	593	711	821	915	1004	1095	1195	74
One Specified Caretaker												
Need Std.	253	331	421	510	605	697	770	844	920	992	1065	67
Grant Amt.	278	364	462	561	665	767	847	929	1012	1092	1172	72
Grant Amt.	306	400	508	617	732	844	932	1022	1113	1201	1289	74
Two Specified Caretakers												
Need Std.	357	439	533	628	716	787	861	937	1009	1082	1155	67
Grant Amt.	392	483	586	691	787	865	947	1032	1111	1190	1271	72
Grant Amt.	431	531	645	760	866	952	1042	1135	1222	1309	1398	74

=====