

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 19-0331.01 Shelby Ross x4510

**HOUSE BILL 19-1223**

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**HOUSE SPONSORSHIP**

**Michaelson Jenet and Larson, Landgraf**

**SENATE SPONSORSHIP**

**Winter,**

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**House Committees**

State, Veterans, & Military Affairs  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING APPLICATION ASSISTANCE FOR PERSONS SEEKING**  
102 **FEDERAL DISABILITY BENEFITS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill creates a program to help persons with disabilities participating in the state aid to the needy disabled program navigate the application process for federal disability benefits, including supplemental security income and social security disability insurance. The program is provided by participating county or district departments of human or social services (county departments) and is administered by the state

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

department of human services (state department).

Funding for the program is distributed to participating county departments pursuant to an allocation formula determined by state department rules after the state department receives input from counties, county representatives, and other relevant stakeholders.

The bill includes the services that may be provided by county departments participating in the program. The services may include assistance with compiling and drafting supporting documentation for the application for federal disability benefits and in completing and submitting the application.

The state department shall evaluate the program pursuant to the time frame set forth in the bill to determine if the program is meeting the program goals described in the bill.

The bill creates the disability benefits application assistance fund (fund) and requires the state treasurer and controller to annually transfer to the fund money appropriated for the aid to the needy disabled program that remains unencumbered and unexpended at the end of the fiscal year.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** In Colorado Revised Statutes, **add** 26-2-119.7 as  
3 follows:

4           **26-2-119.7. Federal disability benefits - application assistance**  
5 **- fund - rules - report - legislative declaration.** (1) (a) THE GENERAL  
6 ASSEMBLY FINDS THAT:

7           (I) FEDERAL DISABILITY BENEFITS, INCLUDING SUPPLEMENTAL  
8 SECURITY INCOME AND SOCIAL SECURITY DISABILITY INSURANCE, HELP  
9 COLORADANS WITH THE MOST SIGNIFICANT DISABILITIES ACHIEVE  
10 STABILITY BY PROVIDING INCOME FOR NECESSITIES, INCLUDING HOUSING;

11           (II) THE STATE AID TO THE NEEDY DISABLED PROGRAM PROVIDES  
12 TWO HUNDRED SEVENTEEN DOLLARS PER MONTH TO INDIVIDUALS WHO  
13 CANNOT WORK DUE TO A SEVERE DISABILITY WHILE THE INDIVIDUALS ARE  
14 APPLYING FOR FEDERAL DISABILITY BENEFITS. WITH ONLY TWO HUNDRED  
15 SEVENTEEN DOLLARS PER MONTH IN INCOME, AID TO THE NEEDY DISABLED  
16 PROGRAM PARTICIPANTS STRUGGLE TO MEET THEIR MOST BASIC NEEDS. AS

1 A CONSEQUENCE, THESE PARTICIPANTS ARE OFTEN HOMELESS, IN CRISIS,  
2 AND UNABLE TO ENGAGE IN SICKNESS PREVENTION OR HEALTH  
3 MAINTENANCE ACTIVITIES, RESULTING IN HIGH-COST EMERGENCY ROOM  
4 VISITS OR OTHER HIGH-COST MEDICAL TREATMENT.

5 (III) COMPLETING THE APPLICATION PROCESS FOR FEDERAL  
6 DISABILITY BENEFITS IS ONEROUS. THE APPLICATION IS COMPLEX AND  
7 REQUIRES APPLICANTS TO COMPILE PAST MEDICAL RECORDS FROM  
8 MEDICAL PROVIDERS. APPLICANTS MUST ALSO NAVIGATE THE PROCESS  
9 WHILE CONTENDING WITH DEBILITATING MENTAL AND PHYSICAL HEALTH  
10 CONDITIONS, AND, FOR AID TO THE NEEDY DISABLED PROGRAM  
11 PARTICIPANTS, THE ADDITIONAL BARRIER OF EXTREME POVERTY.

12 (IV) DESPITE THE EXTREME NEED FOR FEDERAL DISABILITY  
13 BENEFITS, APPLICANTS WHO ARE ULTIMATELY DETERMINED TO BE  
14 ELIGIBLE FOR FEDERAL DISABILITY BENEFITS ARE OFTEN DENIED MULTIPLE  
15 TIMES;

16 (V) DELAYED ACCESS TO FEDERAL DISABILITY BENEFITS OFTEN  
17 CREATES OR PROLONGS HOMELESSNESS OR PUTS INDIVIDUALS AT RISK OF  
18 HOMELESSNESS. FIFTY-SEVEN PERCENT OF COLORADO'S CHRONICALLY  
19 HOMELESS POPULATION ARE PERSONS WITH DISABILITIES.

20 (VI) DELAYED ACCESS TO FEDERAL DISABILITY BENEFITS PUTS  
21 COLORADANS WITH DISABILITIES AT INCREASED RISK OF HEALTH CRISIS.  
22 NATIONALLY, IN FEDERAL FISCAL YEAR 2016, OVER TEN THOUSAND  
23 PEOPLE DIED WAITING TO BE APPROVED FOR FEDERAL DISABILITY  
24 BENEFITS.

25 (VII) ASSISTANCE IN APPLYING FOR FEDERAL DISABILITY BENEFITS  
26 SIGNIFICANTLY IMPROVES THE RATE OF APPROVAL OF INITIAL  
27 APPLICATIONS AND THEREFORE REDUCES THE TIME IT TAKES FOR

1 INDIVIDUALS TO ACCESS FEDERAL DISABILITY BENEFITS; AND

2 (VIII) TIMELY ACCESS TO FEDERAL DISABILITY BENEFITS  
3 IMPROVES THE STABILITY, HEALTH, AND WELL-BEING OF PERSONS LIVING  
4 WITH DISABILITIES; REDUCES STATE SPENDING ON HOMELESS SERVICES,  
5 PREVENTABLE EMERGENCY HEALTH CARE, AND OTHER PUBLIC PROGRAMS;  
6 AND BOOSTS THE STATE AND LOCAL ECONOMIES BY PROVIDING FEDERALLY  
7 FUNDED SUPPORT THAT RECIPIENTS SPEND IN COLORADO CITIES AND  
8 COUNTIES TO MEET THEIR BASIC NEEDS.

9 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS  
10 NECESSARY TO HELP PERSONS APPLYING FOR OR RECEIVING AID TO THE  
11 NEEDY DISABLED BENEFITS IN NAVIGATING THE APPLICATION PROCESS FOR  
12 FEDERAL DISABILITY BENEFITS.

13 (2) (a) THE STATE DEPARTMENT SHALL ADMINISTER A PROGRAM  
14 THAT MAY BE IMPLEMENTED BY COUNTY DEPARTMENTS THAT HELPS  
15 INDIVIDUALS WITH DISABILITIES NAVIGATE THE APPLICATION PROCESS FOR  
16 FEDERAL DISABILITY BENEFITS. THE PROGRAM MUST ASSIST INDIVIDUALS  
17 WHO ARE APPLYING FOR OR RECEIVING AID TO THE NEEDY DISABLED  
18 BENEFITS PURSUANT TO SECTION 26-2-119. A COUNTY DEPARTMENT MAY  
19 CHOOSE WHETHER TO PARTICIPATE IN THE PROGRAM CREATED IN THIS  
20 SECTION.

21 (b) THE STATE DEPARTMENT SHALL ALLOCATE MONEY  
22 APPROPRIATED PURSUANT TO THIS SECTION FROM THE DISABILITY  
23 BENEFITS APPLICATION ASSISTANCE FUND, CREATED IN SUBSECTION (6) OF  
24 THIS SECTION, TO PARTICIPATING COUNTY DEPARTMENTS PURSUANT TO  
25 STATE DEPARTMENT RULES PROMULGATED PURSUANT TO SUBSECTION (3)  
26 OF THIS SECTION.

27 (c) THE ASSISTANCE PROVIDED PURSUANT TO THE PROGRAM MAY

1 INCLUDE:

2 (I) REFERRALS TO APPROPRIATE MEDICAL PROVIDERS AND OTHER  
3 PROFESSIONALS WHOSE ASSESSMENTS ARE REQUIRED AS PART OF AN  
4 APPLICATION FOR FEDERAL DISABILITY BENEFITS;

5 (II) OUTREACH TO APPLICANTS TO PROVIDE REMINDERS AND  
6 TRACK PROGRESS ON APPLICATION REQUIREMENTS;

7 (III) ASSISTANCE WITH COMPILING AND DRAFTING SUPPORTING  
8 DOCUMENTATION FOR AN APPLICATION FOR FEDERAL DISABILITY  
9 BENEFITS;

10 (IV) ASSISTANCE WITH COMPLETING AND SUBMITTING AN  
11 APPLICATION FOR FEDERAL DISABILITY BENEFITS; AND

12 (V) ASSISTANCE APPEALING DENIALS OF FEDERAL DISABILITY  
13 BENEFITS.

14 (3) AFTER RECEIVING INPUT FROM COUNTIES, A STATEWIDE  
15 ASSOCIATION OF COUNTY COMMISSIONERS, AND OTHER RELEVANT  
16 STAKEHOLDERS, THE STATE DEPARTMENT SHALL PROMULGATE RULES  
17 ESTABLISHING AN ALLOCATION FORMULA FOR MONEY APPROPRIATED TO  
18 THE STATE DEPARTMENT FOR PURPOSES OF THIS SECTION. IN ESTABLISHING  
19 THE ALLOCATION FORMULA, THE STATE DEPARTMENT SHALL CONSIDER  
20 THE NUMBER OF AID TO THE NEEDY DISABLED PROGRAM PARTICIPANTS IN  
21 EACH PARTICIPATING COUNTY AND THE NEED TO ENSURE THAT MONEY  
22 APPROPRIATED FOR THE PROGRAM IS AVAILABLE IN EVERY REGION OF THE  
23 STATE IN WHICH THERE ARE PARTICIPATING COUNTIES.

24 (4) PURSUANT TO SUBSECTION (2) OF THIS SECTION, A COUNTY  
25 DEPARTMENT ALLOCATED MONEY PURSUANT TO THIS SECTION SHALL USE  
26 THE MONEY TO PROVIDE SERVICES TO AID TO THE NEEDY DISABLED  
27 PROGRAM PARTICIPANTS IN THE COUNTY OR REGION. IN IMPLEMENTING

1 THE PROGRAM, A COUNTY DEPARTMENT IS PERMITTED TO COLLABORATE  
2 WITH OTHER COUNTIES OR TO CONTRACT WITH NONPROFIT  
3 ORGANIZATIONS. PERSONS PROVIDING ASSISTANCE TO INDIVIDUALS WITH  
4 DISABILITIES PURSUANT TO THIS SECTION SHALL HAVE DEMONSTRATED  
5 EXPERTISE OR RECEIVE ADEQUATE TRAINING IN THE FEDERAL DISABILITY  
6 BENEFITS APPLICATION PROCESS.

7 (5) (a) THE STATE DEPARTMENT SHALL EVALUATE THE PROGRAM  
8 FIVE YEARS AFTER ITS IMPLEMENTATION, AND EVERY FIVE YEARS  
9 THEREAFTER, TO DETERMINE IF THE PROGRAM IS MEETING THE GOALS OF  
10 THE PROGRAM, INCLUDING BUT NOT LIMITED TO:

11 (I) ASSISTING FEDERAL DISABILITY BENEFIT APPLICANTS IN  
12 SUBMITTING TIMELY AND COMPLETE APPLICATIONS;

13 (II) INCREASING THE PERCENTAGE OF ELIGIBLE APPLICANTS  
14 AWARDED FEDERAL DISABILITY BENEFITS;

15 (III) REDUCING THE AVERAGE TIME TO QUALIFY FOR FEDERAL  
16 DISABILITY BENEFITS; AND

17 (IV) REDUCING THE LENGTH OF TIME THAT INDIVIDUALS WITH  
18 DISABILITIES PARTICIPATE IN THE AID TO THE NEEDY DISABLED PROGRAM.

19 (b) THE STATE DEPARTMENT SHALL SUBMIT THE PROGRAM  
20 EVALUATION REQUIRED PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION  
21 TO THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE  
22 HOUSE OF REPRESENTATIVES AND THE HEALTH AND HUMAN SERVICES  
23 COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES.  
24 NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136 (11)(a)(I),  
25 REPORTING ON THE PROGRAM EVALUATION PURSUANT TO THIS SECTION  
26 SHALL CONTINUE SO LONG AS THE PROGRAM IS BEING EVALUATED.

27 (6) (a) THE DISABILITY BENEFITS APPLICATION ASSISTANCE FUND,

1 REFERRED TO IN THIS SUBSECTION (6) AS THE "FUND", IS CREATED IN THE  
2 STATE TREASURY. THE FUND CONSISTS OF MONEY THAT THE GENERAL  
3 ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

4 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
5 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
6 FUND TO THE FUND.

7 (c) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL  
8 ASSEMBLY, THE STATE DEPARTMENT SHALL EXPEND MONEY FROM THE  
9 FUND FOR THE PURPOSES DESCRIBED IN THIS SECTION.

10 **SECTION 2. Act subject to petition - effective date.** This act  
11 takes effect at 12:01 a.m. on the day following the expiration of the  
12 ninety-day period after final adjournment of the general assembly (August  
13 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
14 referendum petition is filed pursuant to section 1 (3) of article V of the  
15 state constitution against this act or an item, section, or part of this act  
16 within such period, then the act, item, section, or part will not take effect  
17 unless approved by the people at the general election to be held in  
18 November 2020 and, in such case, will take effect on the date of the  
19 official declaration of the vote thereon by the governor.