



House Bill 23-1117

Affidavit Support Eligibility Public Benefits

Legislative Fact Sheet
February 2, 2023

Sponsors: Representative Jodeh & Representative Garcia

Background:

Colorado law currently prohibits certain Coloradans who are lawful permanent residents from sponsoring people, including family members, to come to the U.S. This law treats lawfully present immigrants who receive public benefits differently than U.S. citizens who receive public benefits, which likely could violate the equal protection clause of the Constitution and contributes to family separation.

Colorado is the only state in the entire country to add this eligibility requirement for lawful permanent residents. In 2014, the U.S. Centers for Medicare & Medicaid Services (CMS) alerted Colorado that these statutes may go against federal law and policy. While HCPF does not enforce these statutes, several counties have begun to enforce them. In addition, the Colorado Department of Human Services (CDHS) is enforcing Colorado law which applies to state-only programs, including Old Age Pension and Aid to Needy Disabled.

Bill Summary:

House Bill 23-1117 rescinds sections of Colorado law that prohibit a Legal Permanent Resident (LPR) who is receiving public assistance (e.g., Medicaid, Old Age Pension, and other programs) from executing an affidavit of support for the purpose of sponsoring an individual (i.e., a family member or friend) to come to the United States.

Rescinding these statutes brings us closer to the goal of creating a Colorado For All by ensuring that Coloradans receiving essential benefits are not required to choose between vital healthcare and critical assistance or choosing to sponsor an individual to come to the United States.

Fiscal Impact:

Making changes to eligibility requirements will require resources to make technical changes to the Colorado Benefits Management System (CBMS) but will be absorbable by CDHS and HCPF.

Contact Information

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