



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated April 22, 2022)

Drafting Number: LLS 22-0296 **Date:** April 30, 2022
Prime Sponsors: Rep. Duran; Jodeh **Bill Status:** Senate Finance
 Sen. Moreno **Fiscal Analyst:** Bill Zepernick | 303-866-4777
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Bill Topic: **MODIFICATIONS TO COLORADO WORKS PROGRAM**

Summary of Fiscal Impact:

| | |
|---|--|
| <input type="checkbox"/> State Revenue | <input type="checkbox"/> TABOR Refund |
| <input checked="" type="checkbox"/> State Expenditure | <input checked="" type="checkbox"/> Local Government |
| <input checked="" type="checkbox"/> State Transfer | <input type="checkbox"/> Statutory Public Entity |

The bill makes numerous changes to the Colorado Works program to increase benefit amounts, expand eligibility for specific populations, and alter program rules and operations. The bill will increase state and local expenditures on an ongoing basis.

Appropriation Summary: For FY 2022-23, the bill requires and includes appropriations totaling \$27.7 million to the Department of Human Services.

Fiscal Note Status: The revised fiscal note reflects the reengrossed bill.

Table 1
State Fiscal Impacts under HB 22-1259

| | | Budget Year FY 2022-23 | Out Year FY 2023-24 | Out Year FY 2024-25 |
|-----------------------------|---|---------------------------|------------------------|------------------------|
| Revenue | | - | - | - |
| Expenditures | General Fund | - | \$4,972,530 | \$9,336,410 |
| | CO Long-Term Works Reserve ¹ | \$12,824,070 | \$10,500,364 | \$9,688,314 |
| | Unclaimed Property Trust Fund | - | \$4,972,531 | \$9,336,410 |
| | Economic Recovery/Relief Cash Fund ² | \$7,000,000 | - | - |
| | Centrally Appropriated | \$81,047 | \$81,047 | \$81,047 |
| | Total Expenditures | \$19,905,117 | \$20,526,472 | \$28,442,181 |
| | Total FTE | 5.0 FTE | 5.0 FTE | 5.0 FTE |
| Transfers | Economic Recovery/Relief Cash Fund ² | (\$18,000,000) | - | - |
| | CO Long-Term Works Reserve | \$18,000,000 | - | - |
| | Net Transfer | \$0 | - | - |
| Other Budget Impacts | General Fund Reserve | - | \$745,880 | \$1,400,462 |

¹ Starting in FY 2023-24, this portion of funding for basic cash assistance may come from either the Colorado Long-Term Works Reserve or the statewide county TANF reserves. These funds consist of federal Temporary Assistance for Needy Family funds held by the state and counties, respectively.

² Money in the Economic Recovery and Relief Cash Fund consists of federal ARPA funds.

Summary of Legislation

The bill makes several changes to the Temporary Assistance for Needy Families (TANF) program known as the Colorado Works program in the Colorado Department of Humans Services (CDHS). The bill will increase program benefits, expand eligibility for specific populations, modify program rules and operations, and require new public outreach, data collection, and reporting. The changes in the bill are described in more detail below.

Increased cash assistance benefits. 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. Starting in FY 2023-24, the basic cash assistance amount must increase by the greater of 2 percent or the three-year average of prior year Social Security cost of living adjustments. Funding for the increased benefit is described below.

- The bill transfers \$18 million from the 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. The 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 TANF 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.

Other benefit changes. The bill makes several other changes that increase benefit amounts and the length of time Colorado Works participants may receive them. These changes include:

- requiring that the CDHS establish rules for both an initial disregard of earned income following the start of employment and a gradual step down in the amount of disregarded income;
- requiring the CDHS to use the lowest monthly income conversion ratio for converting weekly and bi-weekly income to a monthly amount; and
- reducing to \$1 the amount that a person receiving cash assistance may be sanctioned for the first violation of program rules, compared to a minimum sanction of 25 percent of a household's assistance payment under current law.

Expanded eligibility and exemptions. The State Board of Human Services is required to establish standards and procedures that require counties to provide benefits beyond the program's current 60-month lifetime limit and to waive the program's work requirement if an applicant or program participant demonstrates good cause for doing so, including being a single parent with a child below 1 year of age, and experiencing hardship, as defined in rule. In addition, the bill allows persons convicted of a drug felony on or after June 3, 1997, to receive benefits.

Program rules and operations. The bill places several new program rules and operations requirements on the CDHS. First, the CDHS must annually review and update the standard of need for households receiving assistance under Colorado Works in relation to the state's economic conditions. Second, the bill encourages the CDHS to align Colorado Works redetermination and verification timelines with other public assistance programs. Third, the State Board of Human Services is charged with ensuring compliance with the federal work participation rate in regards to the waiver of the work requirement (discussed above).

Outreach and training. The CDHS is required to create an outreach plan, with input from counties and stakeholders, to promote program access among eligible Coloradans. The bill specifies requirements for this outreach plan, including strategies for reaching diverse populations and information on program processes. Further, the bill requires the CDHS to provide comprehensive program training to county workers, along with toolkits, manuals, and other materials for county staff, applicants, and participants, including information about child care assistance, education, and work requirements, and other means to help participants meet their goals.

Program data and reporting. The bill requires the CDHS to monitor counties' workload impacts due to the administration of the Colorado Works program. Additionally, the CDHS will consult with counties to determine if additional funding is required to maintain or improve staffing levels. The bill encourages counties to contact program participants for exit interviews and inform the CDHS of any potential rule changes to enhance the client experience. Lastly, the bill requires the CDHS to report to the General Assembly in its annual SMART Act hearing, various data about program participants specified in the bill, and, to the extent practicable, information gathered through surveys and exit interviews.

Emergency and disaster funding. For a county that has exhausted its TANF reserves and is experiencing a local or statewide natural disaster or emergency, the bill creates a new process for the county to request funds from the County Block Grant Support Fund. The CDHS, with input from the Works Allocations Committee, must set criteria for use of funds in these situations.

Employment Opportunities with Wages Program. The bill includes an appropriation of \$7 million from the Economic Recovery and Relief Cash Fund to the Employment Opportunities with Wages Program in the DHS. This program assists Colorado Works participants find permanent employment with a living wage.

Background

Colorado Works is the state's implementation of the federal TANF program and is funded through a federal block grant to states. Colorado has received a flat \$136.1 million TANF block grant since 1996. The program is overseen by the CDHS and administered by counties in Colorado. Most of the annual TANF block grant (\$128 million) is allocated to counties, which are required to provide local matching funds of 20 percent. About \$150 million in federal and county funds supports the Colorado Works program. Each county receives an annual allocation, based on a formula, to administer the program, provide monthly cash assistance to eligible households, and provide support services to help recipients meet their employment goals.

Federal rules allow unused TANF funds to be held in reserve by both the counties and the state. County reserves consist of unused funds from the county's annual allocation. Current law limits county reserves to 40 percent of a county's allocation or \$100,000, whichever is higher. The state's reserve consists of unappropriated and unexpended TANF funds, including any funds that revert from the counties over the statewide cap.

Assumptions

Basic cash assistance. The basic cash assistance award for a family of three (one parent and two children) is currently \$508 per month. Actual awards vary by family size and composition. It is assumed that the average benefit for all households is about \$500 per month based on available state and federal data. It is assumed that basic cash assistance benefits will grow by 10 percent in FY 2022-23 compared to the prior year (as required by the bill), and then grow by 4.8 percent in FY 2023-24 and 5.6 percent in FY 2024-25, based on prior year Social Security cost of living adjustments and the March 2022, Legislative Council Staff forecast of the change in the consumer price index.

Program caseload. It is assumed that about 14,000 households per month will receive basic cash assistance in FY 2022-23. This number is assumed to increase to 15,000 households in FY 2023-24 and 16,000 in FY 2024-25 and future years. These amounts are informed by FY 2019-20 actual caseloads and account for future increases as the impact of federal pandemic assistance wears off, cases return to historical norms, and the impact of increased outreach under the bill. Additional detail on increased caseload from policy changes in this bill is provided in the State Expenditures section below.

Rulemaking and implementation. The fiscal note assumes that the CDHS will require around six months to conduct rulemaking and make necessary computer system changes concerning waivers and modifications in program eligibility. Therefore, caseload impacts are assumed to start on January 1, 2023. The increase in the cash assistance amount is assumed to take effect on July 1, 2022.

Fund sources. 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 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.

Costs relative to FY 2021-22. The bill specifies that the General Fund, Unclaimed Property Tax, and state and county TANF reserves must be used to cover costs above the FY 2021-22 level of basic cash assistance that are attributable to this bill. It is assumed that costs increases attributable to caseload growth after FY 2021-22 will continue to be paid using county block grant funds.

State Expenditures

The bill increases state expenditures in the CDHS by \$19.9 million in FY 2022-23, \$20.5 million in FY 2023-24, and \$28. million in FY 2024-25. Costs for basic cash assistance will increase in future years by at least 2 percent, depending on inflation. The bill will also shift a portion of costs that are currently paid from county block grants to the new state and local funding stream created by the bill. Costs are shown in Table 2 and detailed below.

**Table 2
 Department of Human Services Expenditures under HB 22-1259**

| | FY 2022-23 | FY 2023-24 | FY 2024-25 |
|---|---------------------|---------------------|---------------------|
| Personal Services | \$345,153 | \$345,153 | \$345,153 |
| Operating Expenses | \$6,750 | \$6,750 | \$6,750 |
| Capital Outlay Costs | \$31,000 | - | - |
| CBMS Upgrades | \$1,066,400 | - | - |
| Basic Cash Assistance ¹ | \$11,374,767 | \$20,093,522 | \$28,009,231 |
| Employment Opportunities Wage Program | \$7,000,000 | - | - |
| Centrally Appropriated Costs ² | \$81,047 | \$81,047 | \$81,047 |
| Total Cost | \$19,905,117 | \$20,526,472 | \$28,442,181 |
| Total FTE | 5.0 FTE | 5.0 FTE | 5.0 FTE |

¹ See Table 3 for a breakdown of these costs.

² Centrally appropriated costs are not included in the bill's appropriation.

Personal services. CDHS requires 5.0 FTE to implement the bill. The staff includes 2.0 FTE for policy advisors/analysts to create data reporting standards for counties, analyze data and information provided by counties, coordinate with stakeholders, develop reports, evaluate county workload impacts, and provide information through the SMART Act and 3.0 FTE for marketing and communications specialists to implement the bill's outreach and engagement requirements, conduct training, and provide technical assistance to counties. Costs for this FTE include personal services costs, standard operating, and capital outlay costs.

Colorado Benefits Management System (CBMS). This bill requires 8,600 hours of contract computer programming to modify the CBMS at a rate of \$124 per hour, which increases costs by \$1,066,400 in FY 2022-23. While the CDHS receives an annual appropriation for a set amount of CBMS programming each year (CBMS pool hours), the fiscal note assumes that modifications of this scope cannot be conducted within this existing appropriation. Funding for CBMS is reappropriated to the Office of Information Technology.

Basic cash assistance. Spending on basic cash assistance to Colorado Works participants is expected to increase by \$11.4 million in FY 2022-23, \$20.1 million in FY 2023-24, and \$28.0 million in FY 2024-25. This amount will increase in future years by the greater of two percent or the rolling three-year average of social security cost of living adjustments. These costs are summarized in Table 3 and described in more detail below. The increase in basic cash assistance, shown in the first row of Table 3, applies to the projected caseload under current law. The other eligibility changes discussed below and shown in Table 3 account for both the projected change in caseload and the phased-in benefit increase.

Table 3
Increased Basic Cash Assistance under HB 22-1259

| | FY 2022-23 | FY 2023-24 | FY 2024-25 |
|----------------------------------|---------------------|---------------------|---------------------|
| Increased Cash Assistance | \$8,400,000 | \$13,752,000 | \$20,866,252 |
| Income Disregard | \$825,000 | \$1,852,714 | \$2,086,897 |
| Work Requirement Hardship Waiver | \$693,000 | \$1,556,280 | \$1,752,994 |
| 60-Month Lifetime Limit Waiver | \$693,000 | \$1,556,280 | \$1,752,994 |
| Reduced Sanctions | \$301,767 | \$338,727 | \$381,431 |
| Drug Felony Eligibility | \$462,000 | \$1,037,520 | \$1,168,663 |
| Total Costs | \$11,374,767 | \$20,093,521 | \$28,009,231 |

- *Increased cash assistance.* Increasing the basic cash assistance benefit by 10 percent will increase costs by \$8.4 million in FY 2022-23. Based on projected increases to the Social Security cost of living adjustments, expenditures will increase by \$13.8 million in FY 2023-24, and \$20.9 million in FY 2024-25.
- *Income disregard.* After the State Board of Human Services adopts a phased in step down of the income disregard, the fiscal note assumes that about 7 percent of program participants who become employed, or about 1,000 to 1,150 participants per year, will continue to receive basic cash assistance for an average of three months longer than they would have otherwise received under current law. Actual costs may vary depending on rules promulgated by the board to implement this new income disregard and current county practices.
- *Work requirement and lifetime limit waivers.* It is assumed that creation of the work requirement waiver and the lifetime limit waiver will each increase average monthly caseload by about 1.5 percent, or about 210 to 240 participants per waiver (a combined increase of 3 percent, or 420 to 480 participants, per year). Actual costs will depend on waiver rules promulgated by the CDHS.
- *Reduced sanctions.* According to the counties, most participants who have their benefit reduced for failure to comply with program requirements come into compliance after the first time that sanctions are imposed under current law. It is assumed that program rules will continue to allow for more substantial sanctions on second or subsequent violations, and program participants will come into compliance following a second sanction if they do not do so after the minimal first sanction under the bill. Therefore, based on available data, the fiscal note assumes that about 180 participants per month will receive increased cash assistance from the lower sanction. The increased benefit is assumed to equal 25 percent of the average monthly benefit, reduced slightly by the \$1 sanction per participant sanction imposed by the bill.
- *Persons convicted of drug-related felonies.* Currently, persons previously convicted of a drug felony are not eligible for Colorado Works and are unlikely to apply; therefore, current data on persons who are rejected for this reason likely significantly underestimates the population that will become eligible under the bill. Preliminarily, the fiscal note assumes that expanding eligibility for persons with a drug-related felony conviction will increase the average monthly caseload by at least 1 percent, or between 140 and 160 persons per month. The actual increase will depend on outreach, information availability, and post-incarceration programs implemented by the CDHS and counties.

Employment Opportunities with Wages Program. Based on the included appropriation, the bill increases expenditures in the DHS by \$7 million for the Employment Opportunities with Wages Program.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills rather than in this bill. These costs include employee insurance and supplemental employee retirement payments, are shown in Table 2.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve beginning in FY 2022-23. Based on this fiscal note, the bill is expected to increase the General Fund held in reserve starting in FY 2023-24 by the amounts shown in Table 1. Money held in reserve decreases the amount of General Fund available for other purposes.

Local Government

The bill will increase county government expenditures for providing basic cash assistance to Colorado Works participants. In the first year, these costs will be paid using ARPA funds transferred to the Colorado Long-Term Reserve. In future years, counties will be required to pay a portion of the costs for increasing basic cash assistance under the bill, as one-third of the costs are to be paid from state and county TANF reserves. The exact impact to counties will depend on the portion required to be paid from county reserves. Should county reserves drop below 15 percent of the total county block grant, additional state funding will be provided to the county block grant or appropriated to support the costs of the bill, depending on the amount of state reserves available. To the extent that county TANF reserves are used to pay the increased cash assistance and counties had other planned uses for funds, the bill will shift funding from those other purposes.

To the extent counties meet the encouraged provisions to conduct exit interviews and other data collection, workload for county staff will increase. It is assumed the CDHS and counties will examine these administrative costs, as specified in the bill, and additional funding may be requested through the budget process if needed.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For FY 2022-23, the bill requires and includes an appropriation of \$12,824,070 to the Department of Human Services from the Colorado Long-Term Works Reserve, and 5.0 FTE. Of this amount, \$1,066,400 is reappropriated to the Office of Information Technology.

In addition, the bill includes an appropriation of \$7,000,000 from the Economic Recovery and Relief Cash Fund to the Department of Human Services for the Employment Opportunities with Wages Program.

State and Local Government Contacts

| | |
|----------------|----------------------------------|
| Counties | Health Care Policy and Financing |
| Human Services | Information Technology |
| Labor | Law |