

# 2018-19

# ANNUAL REPORT



#### A LETTER FROM THE EXECUTIVE DIRECTOR

It is my distinct privilege to join a strong, vibrant community of attorneys, experts and advocates advancing economic and social equity. You are part of this community and Colorado Center on Law and Policy (CCLP) relies on your support and partnership in creating a stronger, and more equitable, state.

As the newest member of the CCLP team, I have had the opportunity to reflect on the accomplishments of the past year and contemplate the upcoming opportunities with a fresh perspective. As you will see from

CCLP's Annual Report, we have had many legislative wins, defended critical safety nets and social programs, and charted new pathways from poverty through workforce development. We are poised to build upon our momentum in the coming year.

To recap our 2018-2019 successes, we led the passage of 13 new laws that sought to secure accessibility to housing, health and income. For example, CCLP developed legislation that will expand the supply of affordable housing, extend notice prior to eviction and help Coloradans facing eviction to get legal defense. CCLP successfully advocated for Social Security Income (SSI) and Social Security Disability Income (SSDI) application assistance, a public option for health coverage, wage-garnishment reform and emergency employment services. We also pioneered work to prevent prior criminal records from unduly hindering applicants' chances to compete in the workforce.

In addition to our legislative wins, CCLP succeeded in defending critical safety nets and ensured that laws and benefits designed to relieve struggling Coloradans were adequately enforced and accessible. For example, we worked to make housing and food assistance available to college students experiencing poverty. These social programs make it possible for students to continue their education and path to self-sufficiency. Also, CCLP sought to make Medicaid enrollment and termination meet basic due process standards. In addition, our research team conducted a qualitative study to better understand the barriers for patients trying to access mental health services offered through Medicaid.

Looking ahead, we are committed to legislative priorities that include better access to health, housing and income security. We'll continue to defend, advise and enforce existing safety nets while working to increase economic opportunities for Coloradans facing economic hardship. We will focus on racial equity as an intentional priority and create avenues to ensure that the community 's voice informs our work. It is thanks to you that CCLP accomplished so much and will be able to build on its work moving forward.

Again, thank you for your support and I look forward to meeting you and sharing more about the strategic direction of CCLP in the coming years.

Sincerely,

Tiffani Lennon, J.D., LL.M Executive Director, CCLP

# **Advocacy at Its Core:**

# **Disability Benefits Reform Shows How CCLP Works**

ederal cash assistance programs, Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) provide a monthly income to people living with disabilities. The programs provide about \$730 per month— or potentially more for people that qualify for SSDI. Recipients use the benefit to obtain stable housing, get enough food to eat, and cover other critical basics while they are unable to work.

Unfortunately, for many disabled individuals, the income can be long-delayed or simply unobtainable. Due to the complexity of the application process, only 25 percent of people that apply are approved on their initial application and that number is only 10 percent for applicants experiencing homelessness. Most applicants that get denied at the initial level are ultimately approved, but many give up; and those who appeal wait an average of 18 months for resolution of their cases.

Recognizing the delay, several states, including Colorado, established interim assistance programs that provide some support while individuals wait for SSI or SSDI benefits. These state programs provide resources that help people get some extra food and afford transportation. But what happens when the state program also fails to work for the people that need it most? Until recently, that was the case for Colorado's interim assistance program – Aid to the Needy Disabled (AND).

AND provides just \$217 per month to people that have a mental or physical disability that prevents them from working. Until recently, the requirements to qualify for AND were set almost impossibly high. Case in point: applicants were required to get a medical professional to sign a form (commonly known as the "Med 9" form) attesting that the individual is "totally and permanently disabled" and incapable of working – and submit the form within 10 days after receiving it.

"It's hard for anybody to get a doctor's appointment within 10 days," said CCLP Health Care Attorney Allison Neswood. "AND is supposed to be available for a people that have no income and that are dealing with significant disabilities. That timeline was just impossible for too many."

A similarly impossible rule required AND applicants to verify that they had applied for SSI within 10 days of applying for AND. It can take months to complete these applications properly, even when a person has the help of an expert.

To further complicate matters, in order to meet the disability standard for the program, health care providers had to mark on an applicant's form that the applicant had a "total and permanent



CCLP staff worked with a coalition of partners to pass and House Bill 1223, which was signed into law by Gov. Jared Polis. The legislation, which provides application assistance for Coloradans seeking disability benefits, was one of many legislative and non-legislative reforms on SSI/SSDI that the coalition worked on in 2018-19.

disability." Mental health professionals were especially reluctant to characterize their patients that way. So, even when patients had a serious mental illness, providers would mark that the patient had a temporary disability. When this happened, the applicant would not be considered disabled unless a county worker -- not trained in disability -- determined the applicant faced functional limitations that, in combination with social factors, prevented them from working.

Furthermore, the list of providers who could sign the Med 9 was unnecessarily restrictive. For example, Licensed Clinical Social Workers (LCSWs), psychologists and Licensed Professional Counselors were unable to verify that their patients couldn't work due to a disability. Such mental health professionals are often are often more aware of their clients' physical and mental limitations than doctors or psychiatrists, and are more accessible.

#### Working on solutions

With frustrations around the Med 9 process and restrictions reaching a fevered pitch, a work group consisting of CCLP, Colorado Cross-Disability Coalition, Bayaud Industries, Easter Seals, the Colorado Coalition for the Homeless and the Denver Chapter of the National Alliance of Mental Illness came together in late 2014 to tackle some of the barriers that stood between people with severe disabilities and their benefits.

# **Advocacy at Its Core:**

# **Disability Benefits Reform Shows How CCLP Works**

"Our approach was multi-pronged," Allison said. "We knew there were some things that could start to alleviate the problems that didn't require regulatory or statutory change."

As a first step, the group reached out to mental health professionals to understand their issues with the Med-9 and worked with CDHS to develop a simple one-page cover letter that accompanied the Med 9 form. The letter was designed to inform the providers why they are being asked to sign the form and to clear up some misunderstandings, regarding liability and the definition of "totally and permanently disabled" that gave many professionals pause. The easy-to-read letter is now standard with every Med 9 form.

Next, the work group took aim at regulatory changes, including the disability assessment completed by county workers, the AND timelines. They worked with employees the Colorado Department of Human Services on several rules to bring to the State Human Services Board. The rules gave clients more time to prove that they have a qualifying disability, expanding the timeline from 10 days to 30 days.

The changes also give clients 60 days to complete their SSI application and, while the old rules required an SSI application be completed before a person could begin receiving AND, the new rules allow AND applicants to begin receiving AND while they work on their SSI application so they can take advantage of that full 60-day timeline. The new rules also took county administrators out of the business of determining a client's ability to work. Finally, the rules expanded the list of providers who can verify that an AND client has a qualifying disability as a result of a statutory change in 2018 that we worked on concurrently.

The Human Services Board was very receptive to the proposed rules and unanimously approved them during a September 2018 meeting in Durango. They were implemented in November, 2018.

#### **Legislation assists applicants**

With the rule changes regarding the AND application process already in the works, CCLP and its coalition partners turned their attention toward legislation that would provide services to help people successfully apply for SSI/SSDI.

Among other things, the services would assist applicants with getting a documentation of their medical and employment history, schedule and honor appointments, facilitate communication with government agencies, review and submit application forms, and appeal if the application is denied. A similar pilot program was tested due to legislation passed in 2014, with encouraging results.

The legislation, House Bill 1223, was introduced in the 2019 legislative

session, but there were concerns that a \$3.8 million fiscal note made it a tough sell to legislators.

"It didn't look like it was going to go through," Allison said. "We thought there was no chance of getting money because of too many competing priorities."

Thanks to strong testimony from partners during a hearing, and the

persuasive point that investing in assistance services would actually save the state \$3 million a year through federal reimbursements from SSI/SSDI and reducing the wait times and AND payments,

"Allison's tireless work not only led a group of advocates to remedy the problem with the Colorado Department of Human Services, but she also scripted and led the charge on legislation that will now provide navigation services for one of our most vulnerable populations."

- Theresa Schiavone, National Alliance of Mental Illness Volunteer

the bill passed through its first committee by a vote of 8-1.

"Our coalition did a good job identifying, rallying and bringing their strong voice and perspective to the Capitol," Allison said.

The program secured \$1.5 million from marijuana revenue in its first year, which will become a \$3.8 million line-item in subsequent years. The bill was approved in both chambers with bipartisan support and signed by the governor. Now that the legislation is law, CCLP is working on implementation by identifying recommendations for CDHS and working on a formula for allocating the money to the counties.

#### The difference we make

These comprehensive reforms will make a difference for Coloradans seeking income assistance for a physical or mental disability. CCLP deeply appreciates the support, passion and expertise its advocacy partners contributed in making the changes happen and it appears that they value our role as well.

Looking back, Allison said this successful effort is a great example of how systems change works at CCLP and in the advocacy world in general.

"You have to look at multiple types of advocacy, use multiple skills sets and approach things from multiple directions," she said. "In order to make the system work better, we had to look at administrative process forms and procedures, regulations and state statute. That systemic view of the problem is what helped us identify the appropriate solution. In the end, this is about getting people who aren't working into the most stable income program in the country: SSI/SSDI. It's step one for the financial security of this population."

# Inside the Statehouse: 13 CCLP Bills Signed Into Law

he 2019 Colorado legislative session was a banner year for legislation that advances economic justice. CCLP led or helped develop 13 bills throughout the session and we're happy to say that *all of them* were approved by legislators with bipartisan support and signed into law by Gov. Jared Polis.

House Bill 1004 tasks Colorado's department of Health Care Policy and Finance and the Division of Insurance with developing an insurance plan that would leverage state infrastructure to provide affordable, quality health care and increase competition in the individual market – particularly helping those who live in high-cost areas of the state.

**HB 1013** extends Colorado's child care tax credit for households earning less

than \$25,000 to 2028. The tax credit is essential in defraying the cost of child care, which is consistently one of the highest-ticket basic needs for working families.

**HB 1025** prohibits most employers from asking about criminal history on an initial employment application – giving more Coloradans a chance to secure a job, earn an income and get on with their lives. (See related story on Page 2)

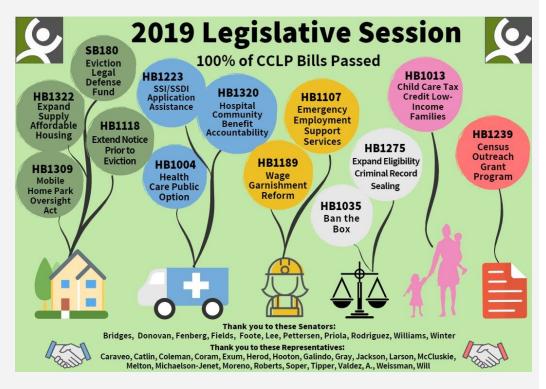
**HB 1107** appropriates \$750,000 to establish a three-year pilot program to provide small-dollar emergency funds to Coloradans trying to get into the workforce or improve their skills to get a better-paying job. The funds will be dispersed among community-based organizations that specialize in career development.

**HB 1118** gives families the chance to avoid eviction or find other housing by extending the eviction notification period from three to 10 days.

**HB 1189** reforms the state's wage-garnishment laws by requiring clearer and more-timely notice of garnishment. The new law also will reduce the amount subject to garnishment to help people meet household needs while paying their debts.

**HB 1223** will help Coloradans with disabilities apply for financial assistance from the Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) programs.

**HB 1239** creates a grant program within the Colorado Department of Local Affairs, which will be awarded to local governments and nonprofits throughout the state to increase outreach efforts for the U.S. Census – ensuring that every Coloradan counts and that the



state receives adequate federal funding.

**HB 1275** makes records for nonviolent convictions eligible for sealing and unavailable to the public -- removing a barrier for many Coloradans seeking employment and housing.

**HB 1309** revises Colorado's Mobile Home Park Act and make progress towards leveling the playing field for homeowners residing on rented lots.

**HB 1320** is designed to increase the transparency of community benefit investments by nonprofit hospitals so the communities they serve can ensure they invest in activities that improve health outcomes in their communities.

**HB 1322** increases the supply of affordable housing by investing \$30 million a year for three years into the Housing Development Grant Fund without using taxpayer dollars.

Finally, **Senate Bill 180** will establish a \$750,000 legal defense fund to help Coloradans facing eviction. This historic legislation will help prevent homelessness before it occurs. But SB 180 also represents a big step in repairing the many disparities individuals with low wages encounter under our legal system.

CCLP thanks all of the legislators and partners who helped advance our vision of forging pathways from poverty. Together, these new laws will make a significant difference in the lives of hundreds of thousands of Coloradans. We look forward to ensuring these policies are implemented effectively and to developing more legislation that will improve the health and well-being of the people in this great state.

# Outside of the Statehouse: Implementing and Enforcing Policies Through Research, Advocacy and Coalition-Building

hile CCLP chalked up great successes during the 2019 legislative session, some of our most significant work over the past year occurred outside of the walls of the Capitol.

For example, CCLP published the 2018 edition of The Self-Sufficiency Standard for Colorado last December. Prepared every few years by the Center for Women's Welfare at the University of Washington, the report provides a comprehensive measure of how much income families of various sizes and compositions need to make ends meet without public or private assistance. The release garnered statewide media coverage and the report continues to get recognition by stakeholders and policymakers as a barometer of how Colorado's economy is working for families and individuals. As of July 15, 2019, members of CCLP staff had presented the report's findings to more

Visit cclponline.org/sss2018/
to calculate the Self-Sufficiency
Standard and other basic costs
by family composition for your
county and other Colorado
counties though an interactive
map of the state.

than 34 organizations statewide.

In mid-2019, CCLP's Research and Policy Analyst Charles Brennan completed an analysis on the benefits of expanding

Colorado's existing Earned Income Tax Credit (EITC – or Working Families Tax Credit) to build a more equitable tax policy for all Coloradans. The full report is available on our website.

Throughout the year, Chaer Robert and Jack Regenbogen worked with the Colorado Department of Human Services, higher education officials and various partners around the state to connect college students with housing assistance, Supplemental Nutrition Assistant Program (or SNAP) benefits and relevant work experience that will let students continue their education and/or training with the goal of obtaining jobs that will help them become self-sufficient. We also successfully advocated for a change in the medical mileage rate, which should increase the SNAP benefit for some seniors and people with disabilities.

Under the guidance of Bethany Pray, our Health and Benefits team worked to improve the function of Colorado's Medicaid and food assistance programs by advocating directly with state agencies. CCLP convened partner organizations to advocate for an efficient, fair system, and against a current policy of rapidly terminating Medicaid enrollment when mailings are returned without a forwarding address. The team's scope includes comprehensive advocacy to address obstacles to Medicaid coverage for eligible noncitizens. In the area of behavioral health, we conducted focus groups and surveys to assess barriers to accessing outpatient and inpatient



CCLP's Duranya Freeman (right, holding sign) joins partners at a rally opposing Proposition 109, an election-ballot proposal which would have fixed Colorado's roads at the expense of education and health care. Voters rejected the initiative.

behavioral health services in Medicaid. Our advocacy on children's services resulted in improved access to a Medicaid waiver for children with development delays. We continued to work with the Division of Insurance on enforcement of the ACA's nondiscrimination requirements, with that multi-year process described in our *Health Affairs* blog in November 2018. Cognizant of the importance of a deeper field of advocates, we also developed and delivered trainings for Medicaid enrollees that advance their ability to advocate on behalf of their communities and themselves.

Throughout the year, CCLP's health team analyzed the many damaging regulatory proposals issued by federal agencies and submitted comments on programs that ranged from food assistance to Medicaid managed care, the Affordable Care Act and exchanges. In 2018, we joined a coalition of organizations statewide and nationwide to oppose a regulatory proposal to effectively restrict individual's immigration status based on income. We are pleased to report that this collective effort drew more than 210,000 comments during a 60-day public comment period and delayed the rule from going into effect.

CCLP's Health Care Attorney Allison Neswood took a leading role in opposing a **public charge proposal** that would negatively affect hundreds of thousands of Colorado families. Working through The Colorado Trust's Health Equity cohort, Allison also established herself as a Colorado leader on improving the advocacy community's approach to equity.

In addition, members of the health team were active on many boards and commissions, including the Program Improvement Advisory Committee, Connect for Colorado's Health Advisory Board, the All Payer Claims Database Advisory Board, and the Colorado Healthcare Affordability and Sustainability Enterprise (CHASE) Board.

# Why and How CCLP Works on Racial Equity

Il Coloradans – regardless of their race, income or where they live — deserve a chance to be as healthy and prosperous as possible. But data and the experiences of many communities consistently show that the aspiration of equity in Colorado and across the country remains a distant dream. Despite a growing awareness about how systemic barriers prevent many people from color from reaching their highest level of well-being, inequities persist.

Colorado Center on Law and Policy is committed to advancing racial equity through all our work. As a member of The Colorado Trust's Health Equity Advocacy Cohort, we embarked on a long-term process that has included extensive training sessions. These sessions have pushed us to examine ourselves, our organization, and our approach to policy work through a race-equity lens.

Nearly all CCLP staff members have participated in a yearlong race equity program that involves staff members joining race-based caucus groups. We collaborate with peer organizations in the advocacy community for in-depth work to understand how our history and our society has shaped each of us and has caused us to internalize systems of dominance and oppression. Some staff members completed this program in 2018 and are continuing as mentors.

In addition to building a more equitable work environment, this effort has fostered intentional and direct involvement on issues with a strong equity component – such as criminal justice, immigration and discrimination. New staff members are acquainted with our equity work throughout their initiation to CCLP.

In the months and years to come, we'll continue to make race equity an important focus of our work – both internally and externally.



#### **Our Equity Statement**

In 2018, members of CCLP staff worked together on a statement that outlines our commitment to racial equity:

"The staff and board members of the Colorado Center on Law and Policy value our common humanity. We pledge to be a compassionate, reflective community that continues to learn.

We recognize that systemic barriers, created by prejudice and privilege, prevent Coloradans from thriving. We can create a fair and just Colorado by working to take down these barriers.

Through collaboration with diverse partners, we strive to bridge differences and build equity. We hope to transform ourselves, our organization and ultimately our world."

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#### **Volunteer Work**

Robert Connelly, Esq.

#### **In-kind Donations**

Pegasus Press Inc.

#### **Special Thanks**

Laura Ware

## Statement of financial activity

Year ended Dec. 31, 2018

CURRENT ASSETS	2018	2017
Cash and cash equivalents	\$736,176	\$978,323
Investments	\$350,235	-
Grants receivable	\$686,064	\$685,661
Deposits and prepaid expenses	\$11,107	\$20,597
Total current assets	\$1,785,152	\$1,684,581
Property and equipment, net	\$1,570	\$4,009
TOTAL ASSETS	\$1,785,152	\$1,688,590

LIABILITIES AND NET ASSETS	2017	2016
Accounts payable and accrued expenses	\$63,457	\$28,918
Total current liabilities	\$28,918	\$26,315
Net assets		
Without donor restrictions	\$1,041,555	\$1,164,837
With donor restrictions	\$680,140	\$494,835
Total net assets	\$1,721,695	\$1,659,672
Total liabilities and net assets	\$1,785,152	\$1,688,590

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\$1,041,555

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