

A MEMORIAL

REQUESTING CONGRESS TO REMOVE THE MARRIAGE PENALTY FOR PERSONS WITH A DISABILITY WHO RECEIVE SUPPLEMENTAL SECURITY INCOME.

WHEREAS, individuals with disabilities have the same needs as people without disabilities to develop and maintain permanent loving relationships and want to marry and live as full members of their communities; and

WHEREAS, individuals with disabilities often depend on supplemental security income from the federal social security administration, along with other government benefits to meet their basic living requirements; and

WHEREAS, of the three major public income assistance programs, the federal temporary assistance for needy families, the supplemental nutrition assistance program and the supplemental security income program, the supplemental security income program is the only program to use marital status to reduce the amount of an individual's benefit; and

WHEREAS, a person with disabilities who receives supplemental security income benefits is penalized for marrying; and

WHEREAS, effective January 1, 2015, an unmarried individual who qualifies for supplemental security income receives seven hundred thirty-three dollars (\$733) per month in benefits, with strict limits on resources in the amount of

two thousand dollars (\$2,000) that individuals receiving supplemental security income are allowed to hold in any given month; and

WHEREAS, when two individuals with disabilities who are both receiving supplemental security income marry or, in some cases, cohabitate with a member of the opposite sex, hold money in the same bank account or meet other criteria that the federal social security administration follows to recognize a couple as being married, social security administration laws require that their supplemental security income benefits be reduced by twenty-five percent; and

WHEREAS, this reduces a married couple's joint income by three hundred sixty-six dollars (\$366) per month, thereby diminishing the couple's joint benefit to one thousand one hundred dollars (\$1,100) per month, representing an annual loss of four thousand three hundred ninety-two dollars (\$4,392); and

WHEREAS, the amount of resources allowed to be held by a married couple at any one time is also reduced by twenty-five percent, from four thousand dollars (\$4,000) to three thousand dollars (\$3,000); and

WHEREAS, such laws not only penalize the couple, but also mean that, as a couple, they will live further below the poverty line than they already do as individuals; and

WHEREAS, if only one person in the marriage is disabled

and receives supplemental security income benefits, the penalty still applies and the individual may lose benefits altogether, depending on the couple's income and assets; and

WHEREAS, during the second session of the one-hundred-thirteenth congress, the Supplemental Security Income Restoration Act of 2014 was introduced by United States Senators Sherrod Brown and Elizabeth Warren to amend Title 16 of the federal Social Security Act to update eligibility for supplemental security income; and

WHEREAS, this proposed legislation has been endorsed by more than fifty organizations across many states; and

WHEREAS, this proposed legislation recognizes that supplemental security income has not been updated since 1972 and includes a section that increases the amount of resources allowed to be held from two thousand dollars (\$2,000) to ten thousand dollars (\$10,000) per individual, but the proposal still includes a twenty-five-percent marriage penalty by reducing the allowable resources for a couple to fifteen thousand dollars (\$15,000), when individually each, if unmarried, would be allowed ten thousand dollars (\$10,000);

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that the United States congress be requested to repeal the marriage penalty for people with disabilities and others who rely on supplemental security income; and

BE IT FURTHER RESOLVED that federal and state public assistance programs not penalize individuals with disabilities for fully participating in loving and supportive relationships, including marriage; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to each member of the United States congress, to each member of the New Mexico legislature, to the governors of all fifty states and to the president of the United States.