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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

1 in benefits, with strict limits on resources in the amount of
2 two thousand dollars (\$2,000) that individuals receiving
3 supplemental security income are allowed to hold in any given
4 month; and

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

13 WHEREAS, this reduces a married couple's joint income by
14 three hundred sixty-six dollars (\$366) per month, thereby
15 diminishing the couple's joint benefit to one thousand one
16 hundred dollars (\$1,100) per month, representing an annual
17 loss of four thousand three hundred ninety-two dollars
18 (\$4,392); and

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

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

1 WHEREAS, if only one person in the marriage is disabled
2 and receives supplemental security income benefits, the
3 penalty still applies and the individual may lose benefits
4 altogether, depending on the couple's income and assets; and

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

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

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

22 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE
23 STATE OF NEW MEXICO that the United States congress be
24 requested to repeal the marriage penalty for people with
25 disabilities and others who rely on supplemental security

1 income; and

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

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

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