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SENATE MEMORIAL 3

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

Gerald Ortiz y Pino

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

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1 income program is the only program to use marital status to  
2 reduce the amount of an individual's benefit; and

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

6 WHEREAS, effective January 1, 2015, an unmarried  
7 individual who qualifies for supplemental security income  
8 receives seven hundred thirty-three dollars (\$733) per month in  
9 benefits, with strict limits on resources in the amount of two  
10 thousand dollars (\$2,000) that individuals receiving  
11 supplemental security income are allowed to hold in any given  
12 month; and

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

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

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

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

8           WHEREAS, if only one person in the marriage is disabled  
9 and receives supplemental security income benefits, the penalty  
10 still applies and the individual may lose benefits altogether,  
11 depending on the couple's income and assets; and

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

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

20           WHEREAS, this proposed legislation recognizes that  
21 supplemental security income has not been updated since 1972  
22 and includes a section that increases the amount of resources  
23 allowed to be held from two thousand dollars (\$2,000) to ten  
24 thousand dollars (\$10,000) per individual, but the proposal  
25 still includes a twenty-five-percent marriage penalty by

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1 reducing the allowable resources for a couple to fifteen  
2 thousand dollars (\$15,000), when individually each, if  
3 unmarried, would be allowed ten thousand dollars (\$10,000);

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

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

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