

File No. 240277

Committee Item No. _____

Board Item No. 27

COMMITTEE/BOARD OF SUPERVISORS

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Date: _____

Board of Supervisors Meeting

Date: March 26, 2024

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- House Resolution 6640 12/6/23
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Prepared by: Jocelyn Wong

Date: March 22, 2024

Prepared by: _____

Date: _____

1 [Supporting House Resolution No. 6640 (Panetta) - Marriage Equality for Disabled Adults Act]

2

3 **Resolution supporting House Resolution No. 6640, introduced by United States**
4 **Representative Jimmy Panetta (CA-19), to urge the President and the Congress of the**
5 **United States to amend specified provisions of the federal Social Security Act to allow**
6 **recipients of disabled adult child benefits under the act to continue to receive those**
7 **benefits upon marriage.**

8

9 WHEREAS, An individual with a physical or mental condition that arose before 22
10 years of age, conditions that are regarded as permanent and life-long, and that very seriously
11 limits the person’s ability to engage in substantial employment activity, may qualify for the
12 childhood disability benefit through the social security earnings record of a retired, disabled, or
13 deceased parent; and

14 WHEREAS, This benefit provides funds and insurance coverage that provide critical
15 support for many disabled children; and

16 WHEREAS, Children with disabilities receiving the childhood disability benefit may
17 continue to be covered into adulthood as adult disabled children if they still qualify as disabled
18 under the social security disability standards after reaching adulthood; and

19 WHEREAS, The childhood disability benefit for adult disabled children is also known as
20 the disabled adult child (DAC) benefit, and an adult whose disability arose before 22 years of
21 age may receive the DAC childhood disability benefit through their retired, disabled, or
22 deceased parents’ social security earnings record; and

23 WHEREAS, The DAC benefit provides funds to cover basic living expenses and health
24 insurance coverage that is critical for disabled adult children, as it covers necessary, and often
25 costly, medical care needed to live with a disability; and

1 WHEREAS, For adults who have been disabled from a young age and receive the
2 DAC benefit, access to health insurance coverage through the federal Medicare and Medicaid
3 programs continues to be vital, because other types of insurance do not cover the necessary
4 medical services, personal attendant care, durable medical equipment, therapies, and other
5 services that are often required for individuals with significant disabilities; and

6 WHEREAS, Under the federal Social Security Act and policy, recipients of the DAC
7 benefit have their benefits terminated upon marriage, unless an exception applies; and

8 WHEREAS, Because recipients of the DAC benefit who marry may only continue to
9 receive their benefits if they marry an individual who is also receiving the DAC benefit, Social
10 Security Disability Insurance (SSDI), or certain other categories of social security benefits, this
11 policy creates a substantial barrier to marriage for younger interabled couples; and

12 WHEREAS, The federal Social Security Act and policy currently provide that individuals
13 who receive DAC may lose their access to Medicaid, operated as Medi-Cal in California, if
14 they are deemed to have certain assets or income; and

15 WHEREAS, Loss of DAC benefits, including Medicare and access to Medi-Cal, is
16 simply not an option for most disabled adults, as they depend on their insurance coverage to
17 survive; and

18 WHEREAS, Many DAC benefit recipients do not marry their life partners because they
19 cannot survive without their benefits, and are therefore unable to enjoy the fundamental right
20 to marry and are unable to exercise their religious beliefs with regard to marriage; and

21 WHEREAS, Individuals who are disabled later in life after participating in the workforce,
22 potentially for as few as one and one-half years of work, may be eligible to receive SSDI; and

23 WHEREAS, SSDI recipients who receive benefits on their own work record do not face
24 termination of coverage upon marriage, yet DAC benefit recipients do face termination of
25 coverage upon marriage; and

1 WHEREAS, Many DAC benefit recipients participate or have participated in the
2 workforce and pay or have paid social security and Medicare payroll taxes; however, due to
3 flaws within current policy, these individuals are not allowed to receive SSDI benefits on their
4 own record once they choose to receive the DAC benefits; thus, recipients of the DAC benefit
5 may face substantially inadequate support compared to someone disabled later in life that
6 receives SSDI based on their own work record; and

7 WHEREAS, The discrepancy in the treatment of marriage on benefits between adults
8 who are disabled as children versus those who become disabled as adults and who have had
9 the opportunity to participate in the workforce for at least one and one-half years prior to
10 developing a disability, is plainly unequal treatment; and

11 WHEREAS, Articles 3, 5, and 7 of the United Nations Convention on the Rights of
12 Persons with Disabilities recognizes that all persons are equal under the law and that
13 individuals with disabilities should be guaranteed equal protections of the laws without
14 discrimination; and

15 WHEREAS, Article 23 of the United Nations Convention on the Rights of Persons with
16 Disabilities speaks clearly to the fact that the freedom of people with disabilities to marry and
17 form families is an issue of fundamental human rights; and

18 WHEREAS, In September 2021, the San Francisco Board of Supervisors unanimously
19 passed Resolution No. 409-21 in support of California State Senate Joint Resolution No. 8,
20 introduced by Senator Anna Caballero (SD-14) urging the United States President and
21 Congress to amend the law to allow recipients of DAC benefits to continue to receive those
22 benefits upon marriage; and

23 WHEREAS, House Resolution No. 6405, the Marriage Equality for Disabled Adults Act
24 was introduced by United States Representative Jimmy Panetta (CA-19) for the 117th
25

1 Congress in 2022 to secure the rights and dignity of marriage for Disabled Adult Children but
2 this bill did not pass committee; and

3 WHEREAS, On July 28, 2023, as part of Disability Pride Month, U.S. Representative
4 Panetta re-introduced the Marriage Equality for Disabled Adults Act, also known as House
5 Resolution No. 6640 (H.R. 6640) during the 118th Congress, to eliminate requirements that
6 disabled adult children should remain unmarried in order to receive lifetime benefits and
7 health care through Social Security; and

8 WHEREAS, Adults who were disabled as children should have the right to marry
9 whomever they wish without having their DAC benefits terminated; now, therefore, be it

10 RESOLVED, The San Francisco Board of Supervisors hereby affirms its support for
11 H.R. 6640, the Marriage Equality for Disabled Adults Act; and, be it

12 FURTHER RESOLVED, The San Francisco Board of Supervisors urges San Francisco
13 federal representatives Speaker Emerita Nancy Pelosi (CA-12) and Representative Kevin
14 Mullin (CA-15) to co-sponsor H.R. 6640 and to amend the United States Codes and any other
15 necessary statutes to allow recipients of DAC benefits to continue to receive those benefits
16 upon marriage; and, be it

17 FUTHER RESOLVED, That the Board of Supervisors hereby directs the Clerk of the
18 Board to transmit copies of this Resolution to the President and Vice President of the United
19 States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate,
20 Speaker Emerita Nancy Pelosi, Representative Kevin Mullin, and to the sponsor,
21 Representative Jimmy Panetta.

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118TH CONGRESS
1ST SESSION

H. R. 6640

To secure the rights and dignity of marriage for Disabled Adult Children,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 2023

Mr. PANETTA (for himself and Ms. LOFGREN) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To secure the rights and dignity of marriage for Disabled
Adult Children, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Marriage Equality for
5 Disabled Adults Act”.

6 **SEC. 2. ELIMINATION OF MARRIAGE RESTRICTION FOR**
7 **DISABLED ADULT CHILDREN.**

8 (a) IN GENERAL.—Section 202(d) of the Social Secu-
9 rity Act (42 U.S.C. 402(d)) is amended—

1 (1) in paragraph (1)(B), by striking “was un-
2 married and”;

3 (2) by amending paragraph (1)(D) to read as
4 follows:

5 “(D) the month in which such child dies;”;

6 and

7 (3) by striking paragraph (5).

8 (b) CONFORMING AMENDMENT.—Section 202(s)(2)
9 of such Act (42 U.S.C. 402(s)(2)) is amended by striking
10 “(d)(5),”.

11 **SEC. 3. MODIFICATION OF RULES TO DETERMINE MARITAL**
12 **RELATIONSHIPS.**

13 (a) IN GENERAL.—Section 1614(d) of the Social Se-
14 curity Act (42 U.S.C. 1382c(d)) is amended by striking
15 “except that” and all that follows through the end of the
16 subsection and inserting “except that if two individuals
17 have been determined to be married under section
18 216(h)(1) for purposes of title II they shall be considered
19 (from and after the date of such determination or the date
20 of their application for benefits under this title, whichever
21 is later) to be married for purposes of this title.”.

22 (b) CONFORMING AMENDMENTS.—Title XVI of the
23 Social Security Act (42 U.S.C. 1381 et seq.) is amended—

24 (1) in section 1611(e)(3)—

1 (A) by striking “a husband and wife” each
2 place it appears and inserting “two married in-
3 dividuals”; and

4 (B) by striking “such husband and wife”
5 and inserting “such married individuals”;

6 (2) in section 1614(b)—

7 (A) in the first sentence, by striking “the
8 husband or wife of” and inserting “married to”;
9 and

10 (B) in the second sentence, by striking
11 “husband and wife” and inserting “married”;
12 and

13 (3) in section 1631(b)(1)(A)(i), by striking
14 “husband or wife” and inserting “spouse”.

15 **SEC. 4. INCOME AND RESOURCE DEEMING RULES.**

16 Section 1614(f) of the Social Security Act (42 U.S.C.
17 1382c(f)) is amended by adding at the end the following:

18 “(5) Notwithstanding paragraph (1) of this
19 subsection, for purposes of determining eligibility
20 for, and the amount of, benefits for a married indi-
21 vidual who is entitled to a child’s insurance benefit
22 based on a disability under section 202(d), or for the
23 spouse of such an individual, the income and re-
24 sources of the one spouse is deemed to not include
25 any income or resources of the other spouse.”.

1 **SEC. 5. RETENTION OF MEDICAID FOR CERTAIN MARRIED**
2 **INDIVIDUALS.**

3 Section 1634 of the Social Security Act (42 U.S.C.
4 1383(c)) is amended by adding at the end the following:

5 “(e) In the case of a State that exercises the option
6 under section 1902(f), any individual who—

7 “(1) is a married individual who is entitled to
8 a child’s insurance benefit based on a disability for
9 any month under section 202(d) or the spouse of
10 such an individual; and

11 “(2) would be eligible for medical assistance
12 under the State plan approved under title XIX if the
13 individual were unmarried,
14 shall remain eligible for medical assistance under such
15 plan for so long as the individual satisfies the criteria de-
16 scribed in paragraphs (1) and (2).”.

17 **SEC. 6. SENSE OF CONGRESS.**

18 It is the sense of the United States Congress that—

19 (1) Disabled Adult Children, if married, should
20 remain eligible for all Medicare, Medicaid, and So-
21 cial Security benefits under the same terms as they
22 would if unmarried, regardless of State of residence
23 or State Medicaid law; specifically, this legislation
24 should not impact a Disabled Adult Child’s eligibility
25 for any Medicaid services for which they were eligi-
26 ble when unmarried;

1 (2) regardless of marital status, eligibility of
2 Disabled Adult Children to receive Federal Medi-
3 care, Medicaid, and Social Security benefits should
4 not be impacted by any “holding out” status as de-
5 fined in section 1382c(d) of title 42, United States
6 Code; and

7 (3) Disabled Adult Children’s eligibility for So-
8 cial Security Disability Insurance benefits should not
9 be conditioned on geographic location or residency in
10 the United States.

○

From: [Gee, Natalie \(BOS\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [Walton, Shamann \(BOS\)](#); [Lopez-Weaver, Lindsey \(BOS\)](#)
Subject: RE: Walton - Intro - Reso: Supporting HR 6640
Date: Wednesday, March 20, 2024 10:47:22 AM
Attachments: [image001.png](#)

Thank you Lisa. NLC has not taken a position on this matter.

Natalie Gee 朱凱勤, Chief of Staff
Supervisor Shamann Walton, District 10
1 Dr. Carlton B. Goodlett Pl, San Francisco | Room 282
Direct: 415.554.7672 | **Office:** 415.554.7670
District 10 Community Events Calendar: <https://bit.ly/d10communityevents>

From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Sent: Wednesday, March 20, 2024 8:47 AM
To: Gee, Natalie (BOS) <natalie.gee@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Lopez-Weaver, Lindsey (BOS) <Lindsey.Lopez@sfgov.org>
Subject: RE: Walton - Intro - Reso: Supporting HR 6640

Thanks Natalie,

Per Board Rule 2.8.2, please confirm that the organization such National League Cities of have not taken a position on this bill. If they have, please provide a copy of their statement for completeness of the file.

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

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From: Gee, Natalie (BOS) <natalie.gee@sfgov.org>
Sent: Tuesday, March 19, 2024 2:42 PM
To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Lopez-Weaver, Lindsey (BOS) <Lindsey.Lopez@sfgov.org>
Subject: Walton - Intro - Reso: Supporting HR 6640

Good afternoon Clerk Team,

Attached is Supervisor Walton's Introduction Form, Resolution in Support of HR 6640, and text of HR 6640 for introduction today.

Confirming that this matter is routine and not contentious in nature, and of no special interest. We are requesting this item to be on the For Adoption Without Committee Reference Agenda.

Thank you,
natalie

Natalie Gee 朱凱勤, Chief of Staff
Supervisor Shamann Walton, District 10
1 Dr. Carlton B. Goodlett Pl, San Francisco | Room 282
Direct: 415.554.7672 | **Office:** 415.554.7670
District 10 Community Events Calendar: <https://bit.ly/d10communityevents>

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor inquires..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Walton

Subject:

Supporting House Resolution No. 6640 (Panetta) – Marriage Equality for Disabled Adults Act

Long Title or text listed:

Resolution supporting House Resolution No. 6640, introduced by United States Representative Jimmy Panetta (CA-19) to urge the President and the Congress of the United States to amend specified provisions of the federal Social Security Act to allow recipients of disabled adult child benefits under the act to continue to receive those benefits upon marriage.

Signature of Sponsoring Supervisor: