



7887 East 60th Avenue
Commerce City, Colorado 80022
Phone (303) 289-3683 / Fax (303) 289-3731
www.c3gov.com

CITY OF COMMERCE CITY
Community Development
Building Safety Division

AFFIDAVIT

I, _____, swear or affirm under penalty of perjury under the laws of the state of Colorado that (check one):

_____ I am a United States citizen, or

_____ I am a Permanent Resident of the United States, or

_____ I am lawfully present in the United States pursuant to federal law.

I understand that this sworn statement is required by law because I have applied for a public benefit. I understand that state law requires me to provide proof that I am lawfully present in the United States prior to receipt of this public benefit. I further acknowledge that making a false, fictitious, or fraudulent statement or representation in this sworn affidavit is punishable under the criminal laws of Colorado as perjury in the second degree under Colorado Revised Statute 18-8-503 and it shall constitute a separate criminal offense each time a public benefit is fraudulently received.

Signature

Date



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Question #4: Must the required identification and affidavit be submitted in person?

Personal appearance is not required but the agencies and political subdivisions must institute procedures for verifying that the person applying for the benefit is the person described in the submitted identification and affidavit. The method of meeting this requirement is left to the discretion of the agency or political subdivision. For example, an agency may require the applicant to appear in person or to submit a notarized copy of an authorized identification, or have an alternative mechanism in place that ensures the identification is being produced by the rightful owner of that identification. As long as the identification procedures allow verification of lawful presence, the process is likely acceptable under H.B. 1023. It should also be noted that if federal guidelines require a public entity to acquire and retain copies of eligibility documentation (Medicaid, Food Stamps, TANF, etc.), H.B. 1023 does not modify that requirement and the public entity must continue to follow the federal requirements.

Question #5: Do the requirements of H. B. 1023 apply to parents seeking public benefits for their minor children:

No. H.B. 1023 applies to the person receiving the public benefit. Where a parent submits an application on behalf of his or her child for benefits to be received by the child, the agency and political subdivisions need not verify the lawful presence of the parent. Moreover, because H.B. 1023 applies only to persons over eighteen years of age, the agency or political subdivision need not verify the lawful presence of the child.

Question #6: Does H. B. 1023 apply to both people and entities contracting with the state of political subdivision to provide services to that entity?

H.B 1023 defines a public benefit by reference to 8 U.S.C. 1611 and 1621, which in turn defines a public benefit as including any "contract." H.B. 1023, however, applies only to "natural persons" over the age of eighteen. A natural person is human being, not a corporation, partnership, or any other entity. Thus, the requirements of H. B. 1023 must be applied to any natural person contracting with the State of political subdivision. The Attorney General's office is currently working with the State Controller to issue a standard provision to be included in state contracts to ensure this requirement is made known to, and followed by, individuals contracting with the state.