



State of New Mexico
Human Services Department
Human Services Register



I. DEPARTMENT

NEW MEXICO HUMAN SERVICES DEPARTMENT (HSD)

II. SUBJECT

ANNUAL ADJUSTMENTS TO INCOME LIMITS

III. PROGRAM AFFECTED

NEW MEXICO WORKS (NMW) CASH ASSISTANCE PROGRAM
SUPPORT SERVICES PROGRAM
EDUCATION WORKS PROGRAM (EWP)
GENERAL ASSISTANCE (GA) PROGRAMS
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

IV. ACTION

TEMPORARY EMERGENCY AMENDMENTS

V. BACKGROUND SUMMARY

The New Mexico Human Services Department (HSD) is issuing a temporary emergency rule to be effective October 1, 2023.

Each year the Department is required to update the income and resource eligibility standards and the deduction amounts available to otherwise eligible households as determined by the Cost-of-Living Adjustments (COLA) determined by the United States Department of Agriculture (USDA) and Food and Nutrition Services (FNS).

The Department received notification of the COLA amounts on August 3, 2023, and will make the adjustments effective for the benefit month of October 2023 for Federal Fiscal Year (FFY) 2024 to comply with federal law and regulations.

The Department received notice of the federal COLA with less than sixty days to implement the changes to be effective October 1 and has insufficient time to follow the regular rulemaking process; it will implement an emergency rule in order to comply with federal rule. Following the

emergency rule, the Department will ensure that the regular rule making process is followed to implement the permanent rule for Federal Fiscal Year 2024.

Concise Explanatory Statement:

Regulations issued pursuant to the act are contained in 45 CFR Parts 200-299. Administration of the Human Services Department (HSD), including its authority to promulgate regulations, is governed by Chapter 9, Article 8, NMSA 1978 (Repl. 1983).

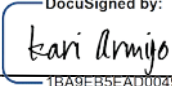
The Department must promulgate these rules and make them effective no later than October 1, 2023, to be in compliance with Federal law. The emergency rulemaking process is necessary to avoid placing the Department in violation of federal law.

VI. EFFECTIVE DATE

October 1, 2023

VII. PUBLICATIONS

Publication of these emergency amendments approved on 8/28/2023 by:

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KARI ARMIJO, ACTING SECRETARY
HUMAN SERVICES DEPARTMENT

This is an emergency amendment to 8.102.500 NMAC, Section 8 effective 10/1/2023.

8.102.500.8 GENERAL REQUIREMENTS:

A. Need determination process: Eligibility for NMW, state funded qualified aliens and EWP cash assistance based on need requires a finding that:

- (1) the benefit group's countable gross monthly income does not exceed the gross income limit for the size of the benefit group;
- (2) the benefit group's countable net income after all allowable deductions does not equal or exceed the standard of need for the size of the benefit group;
- (3) the countable resources owned by and available to the benefit group do not exceed the \$1,500 liquid and \$2,000 non-liquid resource limits;
- (4) the benefit group is eligible for a cash assistance payment after subtracting from the standard of need the benefit group's countable income, and any payment sanctions or recoupments.

B. Gross income limits: The total countable gross earned and unearned income of the benefit group cannot exceed eighty-five percent of the federal poverty guidelines for the size of the benefit group.

- (1) Income eligibility limits are revised and adjusted each year in October.
- (2) The gross income limit for the size of the benefit group is as follows:
 - (a) one person ~~[\$963]~~ \$1,033
 - (b) two persons ~~[\$1,297]~~ \$1,397
 - (c) three persons ~~[\$1,632]~~ \$1,761
 - (d) four persons ~~[\$1,966]~~ \$2,125
 - (e) five persons ~~[\$2,300]~~ \$2,490
 - (f) six persons ~~[\$2,635]~~ \$2,853
 - (g) seven persons ~~[\$2,969]~~ \$3,217
 - (h) eight persons ~~[\$3,303]~~ \$3,582
 - (i) add ~~[\$335]~~ \$365 for each additional person.

C. Eligibility for support services only: Subject to the availability of state and federal funds, a benefit group that is not receiving cash assistance but has countable gross income that is less than one hundred percent of the federal poverty guidelines applicable to the size of the benefit group may be eligible to receive services. The gross income guidelines for the size of the benefit group are as follows:

- (1) one person ~~[\$1,133]~~ \$1,215
- (2) two persons ~~[\$1,526]~~ \$1,644
- (3) three persons ~~[\$1,920]~~ \$2,072
- (4) four persons ~~[\$2,313]~~ \$2,500
- (5) five persons ~~[\$2,706]~~ \$2,929
- (6) six persons ~~[\$3,100]~~ \$3,357
- (7) seven persons ~~[\$3,493]~~ \$3,785
- (8) eight persons ~~[\$3,886]~~ \$4,214
- (9) add ~~[\$394]~~ \$429 for each additional person.

D. Standard of need:

- (1) The standard of need is based on the number of participants included in the benefit group and allows for a financial standard and basic needs.
- (2) Basic needs include food, clothing, shelter, utilities, personal requirements and the participant's share of benefit group supplies.
- (3) The financial standard includes approximately ~~[\$91]~~111 per month for each participant in the benefit group.
- (4) The standard of need for the NMW, state funded qualified aliens, and EWP cash assistance benefit group is:

- (a) one person ~~[\$266]~~ \$327
- (b) two persons ~~[\$357]~~ \$439
- (c) three persons ~~[\$447]~~ \$550
- (d) four persons ~~[\$539]~~ \$663
- (e) five persons ~~[\$630]~~ \$775
- (f) six persons ~~[\$721]~~ \$887
- (g) seven persons ~~[\$812]~~ \$999
- (h) eight persons ~~[\$922]~~ \$1,134

(i) add [~~\$94~~] \$112 for each additional person.

E. Special needs:

(1) **Special clothing allowance:** A special clothing allowance may be issued to assist in preparing a child for school, subject to the availability of state or federal funds and a specific allocation of the available funds for this allowance.

(a) For purposes of determining eligibility for the clothing allowance, a child is considered to be of school age if the child is six years of age or older and less than age 19 by the end of August.

(b) The clothing allowance shall be allowed for each school-age child who is included in the NMW, TBP, state funded qualified aliens, or EWP cash assistance benefit group, subject to the availability of state or federal funds.

(c) The clothing allowance is not allowed in determining eligibility for NMW, TBP, state funded qualified aliens, EWP cash assistance, or wage subsidy.

(2) **Layette:** A one-time layette allowance of \$25 is allowed upon the birth of a child who is included in the benefit group. The allowance shall be authorized by no later than the end of the month following the month in which the child is born.

(3) **Special circumstance:** Dependent upon the availability of funds and in accordance with the federal act, the HSD secretary, may establish a separate, non-recurring, cash assistance program that may waive certain New Mexico Works Act requirements due to a specific situation. This cash assistance program shall not exceed a four month time period, and is not intended to meet recurrent or ongoing needs.

F. Non-inclusion of legal guardian in benefit group: Based on the availability of state and federal funds, the department may limit the eligibility of a benefit group due to the fact that a legal guardian is not included in the benefit group.

[8.102.500.8 NMAC - Rp 8.102.500.8 NMAC, 07/01/2001; A, 10/01/2001; A, 10/01/2002; A, 10/01/2003; A/E, 10/01/2004; A/E, 10/01/2005; A, 07/17/2006; A/E, 10/01/2006; A/E, 10/01/2007; A, 11/15/2007; A, 01/01/2008; A/E, 10/01/2008; A, 08/01/2009; A, 08/14/2009; A/E, 10/01/2009; A, 10/30/2009; A, 01/01/2011; A, 01/01/2011; A, 07/29/2011; A/E, 10/01/2011; A/E, 10/01/2012; A/E, 10/01/2013; A/E, 10/01/2014; A, 10/01/2015; A, 10/01/2016; A/E, 10/01/2017; A, 02/01/2018; A/E, 10/01/2018; A, 03/01/2019; A/E, 10/01/2019; A, 03/01/2020; A/E, 10/01/2020; A, 03/01/2021; A/E, 10/01/2021; A 04/01/2022; A/E,10/01/2022; A, 04/01/2023; A/E, 10/1/2023]

This is an emergency amendment to 8.106.500 NMAC, Section 8 effective 10/1/2023.

8.106.500.8 GA - GENERAL REQUIREMENTS:

A. Limited state funds may result in a suspension or reduction in general assistance benefits without eligibility and need considered.

B. Need determination process: Eligibility for the GA program based on need requires a finding that the:

(1) countable resources owned by and available to the benefit group do not exceed either the \$1,500 liquid or \$2,000 non-liquid resource limit;

(2) benefit group's countable gross earned and unearned income does not equal or exceed eighty-five percent of the federal poverty guideline for the size of the benefit group; and

(3) benefit group's countable net income does not equal or exceed the standard of need for the size of the benefit group.

C. GA payment determination: The benefit group's cash assistance payment is determined after subtracting from the standard of need the benefit group's countable income and any payment sanctions or recoupments.

D. Gross income test: The total countable gross earned and unearned income of the benefit group cannot exceed eighty-five percent of the federal poverty guidelines for the size of the benefit group.

(1) Income eligibility limits are revised and adjusted each year in October.

(2) The gross income limit for the size of the benefit group is as follows:

(a)	one person	[\$963]	<u>\$1,033</u>
(b)	two persons	[\$1,297]	<u>\$1,397</u>
(c)	three persons	[\$1,632]	<u>\$1,761</u>
(d)	four persons	[\$1,966]	<u>\$2,125</u>
(e)	five persons	[\$2,300]	<u>\$2,490</u>
(f)	six persons	[\$2,635]	<u>\$2,853</u>
(g)	seven persons	[\$2,969]	<u>\$3,217</u>
(h)	eight persons	[\$3,303]	<u>\$3,582</u>
(i)	add	[\$335]	<u>\$365</u> for each additional person.

E. Standard of need:

(1) As published monthly by the department, the standard of need is an amount provided to each GA cash assistance benefit group on a monthly basis and is based on availability of state funds, the number of individuals included in the benefit group, number of cases, number of applications processed and approved, application approval rate, number of case closures, IAR caseload number and expenditures, and number of pending applications.

(2) Basic needs include food, clothing, shelter, utilities, personal requirements, and an individual benefit group member's share of supplies.

(3) **Notice:** The department shall issue prior public notice identifying any change(s) to the standard of need amounts for the next quarter, as discussed at 8.106.630.11 NMAC.

F. Net income test: The total countable earned and unearned income of the benefit group after all allowable deductions cannot equal or exceed the standard of need for the size of the GA benefit group. After the countable net income is determined it is rounded down prior to the comparison of the household's income to the standard of need to determine the households monthly benefit amount.

G. Special clothing allowance for school-age dependent children: A special clothing allowance may be issued to assist in preparing a child for school, subject to the availability of state or federal funds and a specific allocation of the available funds for this allowance.

(1) For purposes of determining eligibility for the clothing allowance, a child is considered to be of school age as defined by PED.

(2) The clothing allowance shall be allowed for each school-age child who is included in the GA cash assistance benefit group, subject to the availability of state or federal funds.

(3) The clothing allowance is not counted in determining eligibility for GA cash assistance.

H. Supplemental issuance: A one-time supplemental issuance may be distributed to recipients of GA for disabled adults based on the sole discretion of the secretary of the human services department and the availability of state funds.

(1) The one-time supplemental issuance may be no more than the standard GA payment made during the month the GA payment was issued.

(2) To be eligible to receive the one-time supplement, a GA application must be active and determined eligible no later than the last day of the month in the month the one time supplement is issued.

I. Minimum Benefit Amount: Benefits less than ten dollars (\$10.00) will not be issued for the initial month or subsequent months. ISD shall certify household beginning the month of application.

[8.106.500.8 NMAC - N, 07/01/2004; A/E, 10/01/2004; A/E, 10/01/2005; A, 7/17/2006; A/E, 10/01/2006; A/E, 10/01/2007; A, 01/01/2008; A, 06/16/2008; A/E, 10/01/2008; A, 07/01/2009; A/E, 10/01/2009; A, 10/30/2009; A, 12/01/2009; A, 01/01/2011; A, 07/29/2011; A/E, 10/01/2011; A/E, 10/01/2012; A, 07/01/2013; A/E, 10/01/2013; A/E, 10/01/2014; A, 10/01/2015; A, 10/01/2016; A/E, 10/01/2017; A, 2/01/2018; A/E, 10/01/2018; A, 3/1/2019; A/E, 10/01/2019; A, 3/1/2020 A/E, 10/01/2020; A, 3/1/2021; A/E, 10/01/2021; A, 04/01/2022; A/E, 10/01/2022; A, 04/01/2023; A/E, 10/1/2023]