



STATE OF NEW MEXICO
HUMAN SERVICES DEPARTMENT

HUMAN SERVICES REGISTER

I. DEPARTMENT

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II. SUBJECT

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)
NEW MEXICO COMBINED APPLICATION PROJECT (NMCAP)
ANNUAL ADJUSTMENTS TO BENEFIT ALLOTMENT
TO MAINTAIN THE PROGRAM'S COST NEUTRALITY

III. PROGRAMS AFFECTED

SNAP
NMCAP

IV. ACTION

EMERGENCY INTERIM REGULATIONS

V. BACKGROUND

Each year the Department is required to make changes to the Supplemental Nutrition Assistance Program (SNAP), New Mexico Combined Application Project (NMCAP) benefit allotment to comply with the federal demonstration project rule regarding maintaining cost neutrality between NMCAP and the regular food stamp program as well as adjust benefit amounts to coincide with the Supplemental Security (SSI) annual Cost of Living Adjustment.

The NMCAP project is authorized under section 17(b) of the Food and Nutrition Act. The United State Department of Agriculture, Food and Nutrition Services (USDA/FNS) approved this waiver demonstration which waives Section 3(i) of the Food and Nutrition Act and 7 CFR 273.1(a). NMCAP allows the Income Support Division (ISD) to increase access to the nutrition benefits offered by the Supplemental Nutrition Assistance Program among elderly and disabled populations receiving supplemental security income (SSI). The waiver requires the NMCAP to be cost neutral.

The recent assessment of the cost neutrality shows that a benefit reduction of \$2 dollars per household per month will allow us to continue to operate the program under the approved waiver

conditions. The USDA/FNS require an additional benefit reduction of \$4 dollars per household. The total benefit reduction is \$6.00 per household.

Because the Department needs to implement this change immediately to maintain compliance with the program's funders, we have less than sixty days' notice to comply. This is an insufficient amount of time to follow the regular rulemaking process. We are requesting to implement an interim emergency rule in order to comply with the federal mandate regarding the cost neutrality of the NMCAP program which was due to be implemented in February 2013.

VI. EMERGENCY INTERIM REGULATIONS

Notification in this register serves as an emergency amendment to the NMCAP benefit amounts found in 8.139.503 NMAC, Section 12, effective for benefit month April 1, 2013

8.139.503.12 BENEFIT DELIVERY

A. Effective date: Benefits for the initial month of certification shall be prorated from the date of application according to the standard food stamp program tables at 8.139.500 NMAC.

B. Benefit issuance: NMCAP are issued through a direct deposit into a household's electronic benefit transfer (EBT) food stamp account. EBT cards are issued and EBT accounts maintained as defined at 8.139.610 NMAC. A participating household has a definite issuance date so that food stamp benefits are received on or about the same time each month. The issuance date is based on the last two digits of the social security number of the individual to whom the food stamps are issued.

C. Benefit calculation: Benefits are issued based on the household's total monthly shelter costs as defined at Subsection F of 8.139.520.11 NMAC. Benefit amounts shall be subject to review and adjustment in coordination with the regular food stamp program and cost neutrality and may be adjusted each January. Monthly NMCAP benefit amounts are based on the following for:

(1) monthly shelter costs equal to or less than \$315.00, the maximum benefit amounts is [~~\$50.00~~] \$44.00; and

(2) monthly shelter costs greater than \$315.00, the maximum benefit amount is [~~\$85.00~~] \$79.00.

[8.139.503.12 NMAC - N, 06/01/2009; A, 05/01/2012; A/E, 04/01/2013]

This register and interim regulations are available on the Human Services Department website at <http://www.hsd.state.nm.us/isd/ISDRegisters.html>. If you do not have Internet access, a copy of the proposed regulations may be requested by contacting Income Support Division Policy and Program Development Bureau at 827-7219.

VII. EFFECTIVE DATE

April 1, 2013

VIII. PUBLIC HEARING

A public hearing to receive testimony on this regulation will be held on Friday, March 29, 2013 at 10:30 am.

The hearing will be held at the Income Support Division Conference Room at Pollon Plaza, 2009 S. Pacheco St., Santa Fe, NM 87505. The Conference room is located in room 120 on the lower level. Individuals wishing to testify may contact the Income Support Division, P.O. Box 2348, Santa Fe, NM 87504-2348, or by calling toll free 1-800-432-6217.

If you are a person with a disability and you require this information in an alternative format, or you require a special accommodation to participate in any HSD public hearing, program, or service, please contact the New Mexico Human Services Department toll free at 1-800-432-6217, in Santa Fe at 827-9454, or through the New Mexico Relay system, toll free at 1-800-659-8331. The Department requests at least a 10-day advance notice to provide requested alternative formats and special accommodations.

IX. ADDRESS

Interested persons may address written or recorded comments to:

Sidonie Squier, Secretary
Human Services Department
P.O. Box 2348 Pollon Plaza
Santa Fe, NM 87504-2348

Interested persons may also address comments via electronic mail to:

Vida.Tapia-Sanchez@state.nm.us

X. PUBLICATION

Publication of these emergency regulations approved on 2/26/13 by:



SIDONIE SQUIER, SECRETARY
HUMAN SERVICES DEPARTMENT