



STATE OF NEW MEXICO
HUMAN SERVICES DEPARTMENT
HUMAN SERVICES REGISTER

I. DEPARTMENT

HUMAN SERVICES DEPARTMENT

II. SUBJECT

8.102.501 NMAC- CASH ASSISTANCE PROGRAMS-TRANSITION BONUS PROGRAM

III. PROGRAMS AFFECTED

CASH ASSISTANCE PROGRAM

IV. ACTION

PROPOSED AMENDMENT

V. BACKGROUND

The Human Services Department (the Department), through the Cash Program, is proposing to amend the New Mexico Administrative Code (NMAC) rule 8.102.501 NMAC-TRANSITION BONUS PROGRAM. During the 2020 Legislative Session, monies have been appropriated to the Department to reimplement Transition Bonus Program.

VI. CONCISE EXPLANATORY STATEMENT

Regulations issued pursuant to the act are contained in 45 CFR Parts 200-299. State authority for administering the cash program is contained in Chapter 27 NMSA, 1978. Administration of the Human Services Department (HSD), including its authority to promulgate regulations, is governed by Chapter 9, Article 8, NMSA 1978 (Repl. 1983).

VII. PUBLIC HEARING

A public hearing to receive testimony on this proposed rule, pursuant to Section 14-4-5.6 NMSA 1978, will be held on Thursday, April 27, 2023, at 10:00 am-11:00 am. The hearing will be held virtually through GoTo Meeting, and a phone number will be provided for individuals who would like to participate by phone.

This is an amendment to 8.102.501 NMAC, Section 8, 9, 10, 11 and 12 effective 7/1/2023.

8.102.501.8 TRANSITION BONUS PROGRAM:

A. Purpose: The TBP provides a limited duration and fixed month cash assistance bonus incentive to encourage NMW families to leave NMW cash assistance, participate in the TBP by ~~maintain~~ maintaining a certain number of hours in paid employment and leave the TBP due to increased earnings. This program also provides supportive services on an ongoing basis, provided that the participant is eligible to receive the services during the months provided.

B. Method of payment: TBP payments are paid by issuing funds into an electronic benefits transfer (EBT) account accessible to the participant. In some circumstances benefits may be issued by warrant.

C. Fixed benefit amount: A non-prorated, benefit amount of \$200.00 will be given to all TBP participants under ~~150%~~ one hundred fifty percent of federal poverty guidelines. The benefit can be reduced to recoup an existing cash assistance overpayment in accordance with ~~8.102.640 NMAC~~ 8.100.640 NMAC. The benefit will be countable for the benefit group's eligibility for ~~food-stamp~~ SNAP and Medicaid benefits unless otherwise excluded.

D. Lifetime limits:

(1) The TBP benefit shall not be provided to an adult, minor head of household or the spouse of a minor head of household for more than 18 months during the individual's lifetime. A benefit group as defined at 8.102.400 NMAC shall be ineligible if the benefit group contains at least one adult, minor head of household or spouse of the minor head of household who has received 18 or more months of the TBP benefit.

(2) Any month in which an adult, a minor head of household, or the spouse of a minor head of household, has received full or partial TBP benefit shall be considered a month of receipt and shall be counted towards the 18 month lifetime limit for any benefit group in which that individual is a member.

(3) ~~Participants who have received less than or equal to 30 months of NMW and are approved for the TBP program shall have each month of receipt of the TBP benefit count toward the 60-month lifetime limit for NMW eligibility until the 30th month is received.~~ Participants who receive state funded TBP shall not have any month received count towards their 60-month lifetime limit for NMW eligibility.

(4) ~~Participants who have received more than or equal to 31 months and up to 60 months of NMW and are approved for the TBP program shall not have each month of receipt of the TBP count toward the 60-month lifetime limit for NMW eligibility.~~ Participants who receive federally funded TBP shall have each month received count toward the 60-month lifetime limit for NMW eligibility.

(5) When state and federal funds are appropriated, the lifetime limit will be applied as follows:

(a) any participant who has received 31 months or more of TANF will receive state funds;

(b) any participant who has received 30 months or less will receive federal funds.

E. Initial eligibility:

(1) The TBP program shall be subject to all federal and state NMW cash assistance application, eligibility, certification and reporting requirements, except where specified within the TBP regulations. Resources of the budget group are excluded in determining eligibility for the TBP.

(2) **Application requirements:** Active NMW benefit groups that meet the qualifications and eligibility requirements for the TBP shall be eligible without an application. An application will be required if the NMW case is closed.

(3) The TBP shall be available only to a benefit group that meets all of the following criteria:

(a) does not simultaneously participate in the NMW program;

(b) has left the NMW cash assistance program;

(c) meets all TBP requirements and voluntarily chooses to participate in the program;

(d) is currently engaged in paid unsubsidized or subsidized employment, except for subsidized employment funded with TANF, for a minimum of 30 hours per week ~~and averaged over a month~~ and earnings paid at federal minimum wage, or if self-employed, working a minimum of 30 hours per week, and receiving weekly earnings at least equal to the federal minimum wage multiplied by 30 hours;

(e) has gross income that does not exceed ~~150%~~ one hundred fifty percent of federal poverty guidelines;

(f) has received NMW funded cash assistance for at least three months and one of the last three months; and

(g) does not include an adult, minor head of household or spouse of the minor head of household that participated in the TBP for 18 months in their lifetime or 60 months of TANF.

(4) Eligibility for the TBP shall be prospective for a six month period up to a lifetime limit of 18 months.

F. In accordance with Subsection B of 8.102.500.8 NMAC, income eligibility limits for the TBP will be revised and adjusted each year in October.

[8.102.501.8 NMAC - N, 7/1/208; A, 8/14/2009; A, 7/1/2023]

8.102.501.9 CONTINUED ELIGIBILITY:

A. **Six month reporting requirement:** All benefit groups participating in the TBP shall be assigned to a six month reporting requirement. A benefit group assigned to a six month reporting shall be required to file a six month report no later than the tenth day of the sixth month or in conjunction with the ~~food stamp semiannual interim report or SNAP recertification report~~, whichever is appropriate. The benefit group must include the following information along with verification:

(1) any change in benefit group composition, whether a member has moved in or out of the home along with the date, the change took place;

(2) the amount of money received from employment by each benefit group member;

(3) the amount of unearned income received by each benefit group member;

(4) verification for residence, only if, there has been a change in residence since the last certification;

(5) changes in child support receipt; and

(6) changes in alien status for a benefit group member.

B. **Continued eligibility at the six month reporting:** For continued TBP eligibility, the benefit group must meet all of the following criteria:

(1) engaged in paid unsubsidized employment for at least 30 hours per week, averaged over a month, for at least four of the last six months;

(2) have earnings from paid unsubsidized employment that do not exceed ~~150%~~ ~~one hundred fifty percent~~ of the federal poverty guidelines; and

(3) have not reached the benefit group's 18 month TBP lifetime limit ~~or 60-month lifetime limit~~ as an adult, minor head of household or spouse of a minor head of household.

C. **Action on changes reported between reporting periods for benefit groups assigned to six month reporting:**

(1) The department shall not act on reported changes between reporting periods that would result in a decrease in benefits with the following exceptions:

(a) a benefit group reports income in excess of ~~150%~~ ~~one hundred fifty percent~~ of federal poverty guidelines for size of the benefit group;

(b) a benefit group reports loss of ~~paid unsubsidized employment~~;

~~(b)~~ (c) a benefit group reports, or the department receives documented evidence that the benefit group has moved from the state or intends to move from the state on a specific date;

~~(c)~~ (d) a benefit group requests closure;

~~(d)~~ (e) the department receives documented evidence that the head of ~~the~~ benefit group has died; or

~~(e)~~ (f) at the time of a mass change.

(2) A newborn shall be added to the benefit group effective the month following the month the report is received, if the addition is reported to the agency by the benefit group or by the hospital for medicaid purposes.

D. **Notice:** An eligible benefit group that qualifies and is eligible for the bonus shall be issued notice in accordance with policy at 8.102.110.13 NMAC and for the following circumstances:

(1) **Approval:** An approval notice shall be issued at the time the benefit group is determined eligible. The approval notice shall identify the amount of approval and recertification date.

(2) **Benefit change:** A benefit group shall be issued a notice at the time the benefit group is increased or decreased. The amount of benefit is subject to change due to the availability of state or federal funds.

(3) **Ineligibility:** A benefit group shall be issued a notice when the benefit group no longer qualifies or is not eligible for the TBP due to a reportable change or at time of interim reporting.

[8.102.501.9 NMAC - N, 7/1/208; A, 8/14/2009; A, 7/1/2023]

8.102.501.10 BENEFIT ISSUANCE AND DELIVERY:

A. Benefit issuance: The TBP benefits are issued and placed into a benefit group's electronic benefit transfer (EBT) cash assistance account as defined in 8.102.610.8 NMAC.

B. Supportive services: Participants of the TBP shall be eligible to receive NMW case management and supportive services in accordance with 8.102.620.14, 8.102.620.15, and 8.102.620.16 NMAC.

C. Special allowances: A special clothing allowance for school age children and layette payment shall be issued pursuant to 8.102.500.8 NMAC.

D. Expungement: The TBP benefit shall be subject to expungement in accordance with 8.102.610.9 NMAC.

E. Issuance and replacement of EBT card: To access and use the TBP benefit, the benefit group may use the same EBT card issued for the cash assistance benefits.

F. Approval notification: Upon approval of the [retention] transition bonus program benefit, the household shall be notified of the new benefit amount and the notice shall be mailed to the applicant per 8.102.110.13 NMAC.

[8.102.501.10 NMAC - N, 7/1/208; A, 8/14/2009; A, 7/1/2023]

8.102.501.11 NMW PARTICIPATION REQUIREMENTS: [An] A TBP recipient will be encouraged to participate in work program activities and shall be expected to attend and complete all required activities, such as the assessment, individual responsibility plan (IRP), work participation agreement (WPA) and monthly participation requirements in accordance with 8.102.460 NMAC if not otherwise meeting. Participation requirements apply to each benefit group member whether the benefit group is considered to be a two-parent or single-parent benefit group. No TBP participant shall be sanctioned for NMW non-cooperation.

A. Work Participation Agreement activity will include:

(1) 30 hours a week engaged in paid employment at federal minimum wage, or if self-employed, working a minimum of 30 hours per week, and receiving weekly earnings at least equal to the federal minimum wage multiplied by 30 hours.

(2) Career development that will lead towards meaningful employment.

B. Failure to comply with Subsection A of 8.102.501.11 NMAC will result in closure of TBP and return to regular TANF.

C. Regain eligibility: A participant can regain eligibility by showing they are complying with the TBP NMW participation requirements.

[8.102.501.11 NMAC - N, 7/1/208; A, 8/14/2009; A, 04/01/2012; A, 7/1/2023]

8.102.501.12 SUSPENSION OF PROGRAM: The TBP payment for all benefit groups may be denied for a designated time period based on limited state or federal funds. During program suspension disposition of applications shall be made pursuant to 8.106.110.16 NMAC.

A. Application disposition: All applications for TBP shall be denied under this provision without consideration of eligibility.

(1) **Interview:** TBP applications denied on the basis of suspension shall not require an interview to meet the requirements specific to TBP, other categories of assistance requested by the applicant may require an interview to determine eligibility.

(2) **Payment of assistance:** There shall be no payment to the TBP recipient during the designated suspension period and any right to the payment is lost. Retroactive payments for pending applicants shall be authorized for months prior to a designated suspension period.

B. Notice to recipient and applicant: No later than 60 days prior to the effective change the department shall provide transition bonus recipients appropriate notice regarding suspension or restoration of the grant based on the availability of state or federal funds. The notice shall include the citation to the state statute and regulation and fair hearing rights.

C. Public notice: The department shall issue a public notice 60 days prior to the changes made based on the availability of state or federal funds. Public notice shall include effective date of change and right to fair hearing consistent with mass change requirements at 8.100.180.15 NMAC.

D. Claims: Claims for overpayments shall be established in accordance with regulations outlined at 8.100.640.11 NMAC.

E. Expungement: Cash assistance benefits will be expunged in accordance with regulations outlined in Subsection B of 8.102.610.9 NMAC.

[8.102.501.12 NMAC - N, 11/15/2010; A, 7/1/2023]

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You can also dial in using your phone.

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Access Code: 781-573-189

All Written comments may be dropped off during the scheduled hearing time at the HSD San Miguel County Field Office, 2536 Ridge Runner Rd., Las Vegas NM 87701.

Individuals wishing to testify may contact the Income Support Division (ISD), P.O. Box 2348, Santa Fe, NM 87504-2348, or by calling 505-819-8118. This register and proposed regulations are also available on the Human Services Department website at: [Income Support Division Registers | New Mexico Human Services Department \(state.nm.us\)](https://www.state.nm.us/human-services/register). If you do not have Internet access, a copy of the proposed regulations may be requested by contacting the Income Support Division, P.O. Box 2348, Santa Fe, New Mexico 87504-2348 or by calling 505-819-8118.

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 American Disabilities Act Coordinator, at 505-709-5468 or through the New Mexico Relay system, toll free at #711. The Department requests at least a 10-day advance notice to provide requested alternative formats and special accommodations.

Individuals who do not wish to attend the hearing may submit written or recorded comments. Written or recorded comments must be received by 5:00 p.m. on the date of the hearing, April 27, 2023. Please send comments to:

Human Services Department
P.O. Box 2348
Santa Fe, New Mexico 87504-2348

You may send comments electronically to: HSD-isdrules@hsd.nm.gov

VIII. PUBLICATION DATE:


March 28, 2023

VIII. PUBLICATION

Publication of these proposed amendments approved on 11/15/2022

by:

DocuSigned by:



**Angela Medrano, Deputy Cabinet
Secretary Signing electronically on
behalf of D.S.**

DAVID R. SCRASE, M.D., SECRETARY
HUMAN SERVICES DEPARTMENT