



STATE OF NEW MEXICO
HUMAN SERVICES DEPARTMENT
HUMAN SERVICES REGISTER

I. DEPARTMENT

HUMAN SERVICES DEPARTMENT

II. SUBJECT

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)
ANNUAL ADJUSTMENTS TO INCOME LIMITS, STANDARDS,
DEDUCTIONS AND MAXIMUM SNAP/FOOD STAMP ALLOTMENT;

and

NEW MEXICO WORKS (NMW), EDUCATION WORKS AND
SUPPORT SERVICES

ANNUAL ADJUSTMENTS TO INCOME LIMITS

and

GENERAL ASSISTANCE ANNUAL ADJUSTMENTS TO
INCOME LIMITS

III. PROGRAMS AFFECTED

SNAP

NMW CASH ASSISTANCE PROGRAM

SUPPORT SERVICES PROGRAM

EDUCATION WORKS PROGRAM

GENERAL ASSISTANCE

IV. ACTION

EMERGENCY INTERIM REGULATIONS

V. BACKGROUND

Each year the Department is required to make changes to the Food Stamp/SNAP, NMW, Education Works and General Assistance Program income limits for participation, standards and deductions available to otherwise eligible households. The United States Department of Agriculture, Food and Nutrition Services determine these amounts. The Department received notification of the adjusted amounts on August 3, 2012, and will make the adjustments effective for benefit month October 2012.

For Federal Fiscal Year 2013, the SNAP minimum and maximum allotments have not changed. The cost of living adjustments made are as follows: the standard deduction for a household of one to three members has increased from \$147 to \$149; the shelter cap value will increase from \$459 to \$469; the Heating/Cooling Standard Utility Allowance (HCSUA) was increased from \$275.00 to \$286.00 and the Telephone Standard (TS) was decreased from \$35.00 to \$34.00. The income eligibility limits for each program are increased as indicated in the amendments.

Because the Department has received less than sixty days notice of federal legislation and has insufficient time to follow the regular rulemaking process, it will implement an interim emergency rule in order to comply with the federal mandate effective date of October 1, 2012.

VI. EMERGENCY INTERIM REGULATIONS

This is an emergency amendment to section 8 of 8.139.500 NMAC, effective October 1, 2012.

8.139.500.8 BASIS OF ISSUANCE

A. Income standards: Determination of need in the food stamp program is based on federal guidelines. Participation in the program is limited to households whose income is determined to be a substantial limiting factor in permitting them to obtain a nutritious diet. The net and gross income eligibility standards are based on the federal income poverty levels established in the Community Services Block Grant Act [42 USC 9902(2)].

B. Gross income standards: The gross income eligibility standards for the 48 contiguous states, District of Columbia, Guam and the Virgin Islands is 130 percent (130%) of the federal income poverty levels for the 48 states and the District of Columbia. One hundred thirty percent (130%) of the annual income poverty guidelines is divided by 12 to determine monthly gross income standards, rounding the results upward as necessary. For households larger than eight, the increment in the federal income poverty guidelines is multiplied by 130%, divided by 12, and the results rounded upward if necessary.

C. Net income standards: The net income eligibility standards for the 48 contiguous states, District of Columbia, Guam and the Virgin Islands are the federal income poverty levels for the 48 contiguous states and the District of Columbia. The annual income poverty guidelines are divided by 12 to determine monthly net income eligibility standards, (results rounded upward if necessary). For households larger than eight, the increment in the federal income poverty guidelines is divided by 12, and the results rounded upward if necessary.

D. Yearly adjustment: Income eligibility limits are revised each October 1st to reflect the annual adjustment to the federal income poverty guidelines for the 48 contiguous states and the District of Columbia.

E. Issuance table: The issuance table lists applicable income guidelines used to determine food stamp (FS) eligibility based on household size. Some amounts are increased to meet the needs of certain categorically eligible households. Some of the net income amounts listed are higher than the income limits for some household sizes. Households not categorically eligible for FS benefits must have income below the appropriate gross income limit for household size.

Household Size	Maximum Gross Monthly Income Categorical Eligibility at 165% of Poverty	Maximum Gross Monthly Income At 130% of Poverty	Maximum Net Monthly Income At 100% of Poverty	Maximum Allotment (benefit amount)
1	[\$1,498] \$1,536	[\$1,180] \$1,211	[\$908] \$ 931	\$200
2	[\$2,023] \$2,081	[\$1,594] \$1,640	[\$1,226] \$1,261	\$367
3	[\$2,548] \$2,625	[\$2,008] \$2,069	[\$1,545] \$1,591	\$526

4	[\$3,074] \$3,170	[\$2,422] \$2,498	[\$1,863] \$1,921	\$668
5	[\$3,599] \$3,714	[\$2,836] \$2,927	[\$2,181] \$2,251	\$ 793
6	[\$4,124] \$4,259	[\$3,249] \$3,356	[\$2,500] \$2,581	\$ 952
7	[\$4,649] \$4,803	[\$3,663] \$3,785	[\$2,818] \$2,911	\$1,052
8	[\$5,175] \$5,348	[\$4,077] \$4,214	[\$3,136] \$3,241	\$1,202
\$Each Additional Member	[\$526] +\$545	[\$414] +\$429	[\$319] +\$330	+\$150

F. Deductions and standards:

(1) **Determination:** Expense and standard deduction amounts are determined by federal guidelines and may be adjusted each year. Households eligible based on income and resource guidelines, and other relevant eligibility factors, are allowed certain deductions to determine countable income.

(2) **Yearly adjustment:** The expense and standard deductions may change each year. If federal guidelines mandate a change, it is effective each October 1st.

(3) **Expense deductions and standards table:**

Standard Deduction for Household Size of 1 through 3	[\$147.00] \$149.00
Standard Deduction for Household of 4	[\$155.00] \$160.00
Standard Deduction for Household Size of 5	[\$181.00] \$187.00
Standard Deduction for Household Size of 6 or more	[\$208.00] \$214.00
Earned Income Deduction (EID)	20%
Dependent Care Deduction	Actual Amount
Heating/Cooling Standard Utility Allowance (HCSUA)	[\$275.00] \$286.00
Limited Utility Allowance (LUA)	[\$100.00] \$106.00
Telephone Standard (TS)	[\$ 35.00] \$34.00
Excess Shelter Cost Deduction Limit for Non-Elderly/Disabled Households	[\$459.00] \$469.00
Homeless Household Shelter Standard	\$ 143.00
Minimum Allotment for Eligible One-and Two-Person Households	\$ 16.00

[02/1/95, 10/01/95, 02/29/96, 10/01/96, 3/15/97, 01/15/98, 11/15/98, 12/15/99, 01/01/01, 03/01/01; 8.139.500.8 NMAC - Rn, 8 NMAC 3.FSP.501, 05/15/2001; A, 10/01/2001; A, 10/01/2002, A, 09/01/2003; A, 10/01/2003; A/E, 10/01/2004; A/E, 10/01/2005; A/E, 10/01/2006; A/E, 10/01/2007; A/E, 10/01/2008; A/E, 04/01/2009; A/E, 10/01/2009; A, 10/30/2009; A, 04/01/2010; A/E, 10/01/2010; A/E, 10/01/2011; A/E, 10/01/2012]

This is an emergency amendment to section 8 of 8.102.500 NMAC, effective October 1, 2012.

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	[\$-772]	\$791
(b)	two persons	[\$1,042]	\$1,072
(c)	three persons	[\$1,313]	\$1,352
(d)	four persons	[\$1,584]	\$1,633
(e)	five persons	[\$1,854]	\$1,913
(f)	six persons	[\$2,125]	\$2,194
(g)	seven persons	[\$2,395]	\$2,474
(h)	eight persons	[\$2,666]	\$2,755
(i)	add [\$270] <u>\$281</u> 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 100% 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		<u>\$931</u>
(2)	two persons	[\$1,226]	<u>\$1,261</u>
(3)	three persons	[\$1,545]	<u>\$1,591</u>
(4)	four persons	[\$1,863]	<u>\$1,921</u>
(5)	five persons	[\$2,181]	<u>\$2,251</u>
(6)	six persons	[\$2,500]	<u>\$2,581</u>
(7)	seven persons	[\$2,818]	<u>\$2,911</u>
(8)	eight persons	[\$3,136]	<u>\$3,241</u>
(9)	add [\$319] <u>\$330</u> 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 [~~\$77~~] \$91 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
(b)	two persons	\$ 357
(c)	three persons	\$ 447
(d)	four persons	\$ 539
(e)	five persons	\$ 630
(f)	six persons	\$ 721
(g)	seven persons	\$ 812
(h)	eight persons	\$ 922
(i)	add \$91 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, or EWP cash assistance.

(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, 7/17/2006; 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]

This is an emergency amendment to section 8 of 8.106.500 NMAC, effective October 1, 2011.

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 \$1500 liquid or \$2000 non-liquid resource limit;

(2) benefit group's countable gross earned and unearned income does not equal or exceed eighty-five percent (85%) 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 (85%) 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	[\$772]	<u>\$791</u>
b) two persons	[\$1,042]	<u>\$1,072</u>
c) three persons	[\$1,313]	<u>\$1,352</u>
d) four persons	[\$1,584]	<u>\$1,633</u>
e) five persons	[\$1,854]	<u>\$1,913</u>
f) six persons	[\$2,125]	<u>\$2,194</u>
g) seven persons	[\$2,395]	<u>\$2,474</u>
h) eight persons	[\$2,666]	<u>\$2,755</u>
i) add [\$270]	<u>\$281</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.

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 if the child is six years of age or older and less than age nineteen (19) by the end of August.

(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. [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]

This register and proposed 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

October 1, 2012

VIII. PUBLIC HEARING

A public hearing to receive testimony on this regulation will be held on October 1, 2012 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 _____
by:

SIDONIE SQUIER, SECRETARY
HUMAN SERVICES DEPARTMENT

IX. ADDRESS

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X. PUBLICATION

Publication of these emergency regulations approved on 8/17/12
by:

Sidonie Squier
SIDONIE SQUIER, SECRETARY
HUMAN SERVICES DEPARTMENT