



STATE OF NEW MEXICO  
HUMAN SERVICES DEPARTMENT

# HUMAN SERVICES REGISTER

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## I. DEPARTMENT

HUMAN SERVICES DEPARTMENT

## II. SUBJECT

ANNUAL STATE PLAN PUBLIC COMMENT, ANNUAL  
ADJUSTMENTS TO FEDERAL POVERTY GUIDELINES

## III. PROGRAMS AFFECTED

LOW INCOME HOME ENERGY ASSISTANDE PROGRAM

## IV. ACTION

PROPOSED REGULATIONS

## V. BACKGROUND

This Human Services Register requests public comments on the annual LIHEAP State Plan. Each year, the LIHEAP State Plan is submitted to the Federal administering agency, the Department of Health and Human Services (DHHS). The LIHEAP State Plan will be amended to reflect the administration of the LIHEAP program in Federal Fiscal Year (FFY) 2013 and to make any adjustments to the LIHEAP Federal Poverty guidelines (FPG) as required by federal statute.

Further, the Human Services Department is proposing clarifying language in the LIHEAP Regulations to align the administration of LIHEAP with the other public assistance programs, define crisis and life-threatening situations for crisis LIHEAP processing timeframes and to propose an application processing timeframe to ensure the disposition of receipt of LIHEAP benefits.

## VI. PROPOSED REGULATIONS

The Department proposes to administer LIHEAP in FFY 2013 with any federally mandated changes to the Federal Poverty guidelines (FPG).

The current LIHEAP State Plan can be viewed on the HSD website at <http://www.hsd.state.nm.us/isd/ISDPlans.html>.

Any changes in the Federal Poverty Guidelines that are proposed in policy will be incorporated into the FFY 2013 LIHEAP State Plan.

This register, proposed LIHEAP State Plan 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 827-7274.

Individuals wishing to request a copy of the current and proposed rule changes and/or the current and the proposed LIHEAP State Plan should contact the Income Support Division, Work and Family Support Bureau, PO Box 2348, Santa Fe, New Mexico 87504-2348, or by calling 505-827-7258.

## **VII. EFFECTIVE DATE**

The Department proposes to implement these regulations effective October 1, 2012.

## **VIII. PUBLIC HEARING**

A public hearing to receive testimony on this proposed regulation will be held August 30, 2012, at 1:00 pm. The hearing will be held in the Income Support Division Director's Conference room, located on the first floor of Pollon Plaza at 2009 S. Pacheco St., Santa Fe, NM 87505. Parking accessible for persons with physical impairments is available.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in any HSD public hearing program, or service, please contact the NM human Services Department toll free at 1-800-432-6217 or through the Relay New Mexico system, toll free at 1-800-659-8331. The Department requests at least ten-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:

**[JoAnn.lapington@state.nm.us](mailto:JoAnn.lapington@state.nm.us)**

These comments must be received no later than 5:00 PM., on August 30, 2012. Written and recorded comments will be given the same consideration as oral comments made at the public hearing.

**X. PUBLICATION**

Publication of these proposed regulations approved on 7/13/12  
by:

*Sidonie Squier*  
SIDONIE SQUIER, SECRETARY  
HUMAN SERVICES DEPARTMENT

**This is a proposed amendment to Section 10 and proposal of new Sections 11 and 12 of 8.150.100 NMAC.**

**8.150.100.10 MISSION STATEMENT:**

**A. HOUSEHOLD RELATED POLICIES:**

(1) HSD households: Households that receive benefits from programs administered by HSD will be notified of the LIHEAP application period. Those households that wish to apply for LIHEAP benefits may submit an application. It is HSD's policy to issue regular benefits under this program to eligible households that apply for benefits during the specified period of application for regular benefits and that meet the income eligibility requirement and have a responsibility to pay for energy costs as specified in this policy.

(2) Non-HSD households: It is HSD's policy to issue regular benefits under this program to eligible households that receive no other assistance from HSD but that apply for LIHEAP benefits during the specified period of application for regular benefits and that meet the income eligibility requirement and have a responsibility to pay for energy costs as specified in this policy.

(3) Wood-primary heat source: With the exception of households that use wood as their primary heat source and gather their own wood supply, households that do not incur a direct or indirect home energy cost are not eligible.

(4) Renter with energy costs: Renters who meet the eligibility criteria and incur a home energy cost are eligible for benefits under this program.

**B. CRISIS INTERVENTION RELATED POLICIES:**

(1) Crisis verification: Eligible households that have received a written disconnect notice from their utility vendor or a statement of non-delivery or sale of fuel from their fuel vendor due to lack of payment or inability to pay may be eligible to receive a LIHEAP benefit. When a crisis situation is identified, the department is required to provide intervention to resolve the energy crisis. The processing of the applications for households in a crisis situation includes contacting the utility company or fuel provider within the specified time frames to resolve the crisis situation. Eligible households with insufficient funds to open an account with a utility vendor or meet the security deposit requirements of a utility vendor may also be eligible to receive a LIHEAP benefit. These households must also be assisted with crisis intervention. Crisis intervention is not available to households that have received a LIHEAP benefit in the current federal fiscal year.

(2) Crisis timeliness: Assistance to resolve a crisis situation will be provided no later than 48 hours after the household's application for LIHEAP benefits. Eligible households with a life-threatening emergency will be provided assistance no later than 18 hours after the household's application for LIHEAP benefits. Assistance is defined as a contact with the vendor to intercede on the household's behalf to resolve the crisis situation.

(3) Utility/vendor mediation: ~~[HSD also assists households in negotiating with the household's utility or fuel vendor regarding the payment of arrearages or past due amounts. If the utility or fuel vendor refuses to make arrangements with the household for payment of outstanding balances, the LIHEAP benefit is intended to be a supplement to assist households with their energy bill. The ultimate responsibility for utility payments is the household's. The household will be notified that the LIHEAP benefit alone will not resolve their crisis situation. The household will be informed of other community resources.~~

**8.150.100.11 RESPONSIBILITIES AND DELEGATION:** The income support division (ISD) of the human services department is responsible for administering the low income home energy assistance program (LIHEAP).

A. State LIHEAP plan: Every year, ISD submits a state plan to the U. S. department of health and human services (DHHS) for New Mexico's administration of LIHEAP. The proposed state plan and the proposed LIHEAP policy manual are made available for public comment and a public hearing is held.

B. LIHEAP administration: ISD is responsible such matters as:

(1) formulating and interpreting LIHEAP policy;

(2) coordinating with other divisions within HSD for data processing of LIHEAP eligibility and payment;

(3) allocating and distributing LIHEAP monies;

(4) data entry of client information not available on the department's computer eligibility system; and

(5) oversight responsibility for LIHEAP policy and procedures training and for the review of all LIHEAP training materials.

**8.150.100.12 ISD FIELD OFFICE RESPONSIBILITIES:** Each of the field offices of the income support division in the state is responsible for:

- A. providing outreach and referral for low-income clients, particularly disabled and elderly clients, regarding the LIHEAP program;
- B. informing low-income households, particularly disabled and elderly clients, about the eligibility determination process and application procedures for the LIHEAP program;
- C. providing documentation to households requesting verification of cash benefits received from the human services department or other documentation available to the department or in the case file;
- D. complying with other LIHEAP program directives as may be issued by ISD;
- E. assisting all applicant households to complete the LIHEAP application and when necessary interviewing the household when LIHEAP benefits have been requested;
- F. entering the completed LIHEAP application into the designated LIHEAP computer system;
- G. responding to inquires about the status of a LIHEAP application; and
- H. processing payment errors when identified; the ISD office must issue a supplement in cases of benefit under-issuances or complete and submit restitution and claim paperwork to the office of the inspector general's restitution services bureau for over-issuances.

This is a proposed repeal of 8.150.101 NMAC.

~~[TITLE 8 — SOCIAL SERVICES  
CHAPTER 150 — LOW INCOME HOME ENERGY ASSISTANCE PROGRAM  
PART 101 — BUREAU RESPONSIBILITIES~~

~~8.150.101.1 — ISSUING AGENCY: New Mexico Human Services Department.  
[7-1-95, 11-1-95; 8.150.101.1 NMAC — Rn, 8 NMAC 22.LHP.000.1, 10-1-01]~~

~~8.150.101.2 — SCOPE: The rule applies to the general public.  
[7-1-95, 11-1-95; 8.150.101.2 NMAC — Rn, 8 NMAC 22.LHP.000.2, 10-1-01]~~

~~8.150.101.3 — STATUTORY AUTHORITY: 27 NMSA 1978 (1992 Repl.) provides for the department to “...adopt, amend and repeal bylaws, rules and regulations...”. It also provides for administration of public assistance programs.  
[7-1-95, 11-1-95; 8.150.101.3 NMAC — Rn, 8 NMAC 22.LHP.000.3, 10-1-01]~~

~~8.150.101.4 — DURATION: Permanent.  
[7-1-95, 11-1-95; 8.150.101.4 NMAC — Rn, 8 NMAC 22.LHP.000.4, 10-1-01]~~

~~8.150.101.5 — EFFECTIVE DATE: November 15, 1996, unless a different date is at the end of a section or paragraph.  
[7-1-95, 11-1-95; 1-15-96, 8.150.101.5 NMAC — Rn, 8 NMAC 22.LHP.000.5, 10-1-01]~~

~~8.150.101.6 — OBJECTIVE: The objective of these regulations is to provide policy and procedures for the administration of the low income home energy assistance program.  
[7-1-95, 11-1-95; 8.150.101.6 NMAC — Rn, 8 NMAC 22.LHP.000.6, 10-1-01]~~

~~8.150.101.7 — DEFINITIONS: [RESERVED]~~

~~8.150.101.8 — RESPONSIBILITIES AND DELEGATION: The income support division (ISD) of the human services department is responsible for administering the low income home energy assistance program (LIHEAP).  
——— A. ——— State LIHEAP plan: Every year, ISD submits a state plan to the U. S. department of health and human services (DHHS) for New Mexico's administration of LIHEAP. The proposed state plan and the proposed LIHEAP policy manual are made available for public comment and a public hearing is held.  
——— B. ——— LIHEAP administration: ISD is responsible for overseeing the administration of the program, including such matters as:  
——— (1) ——— formulating and interpreting LIHEAP policy;  
——— (2) ——— coordinating with other divisions within HSD for data processing of LIHEAP eligibility and payment;  
——— (3) ——— allocating and distributing LIHEAP monies;  
——— (4) ——— data entry of client information not available on the department's computer eligibility system; and  
——— (5) ——— oversight responsibility for LIHEAP policy and procedures training and for the review of all LIHEAP training materials.  
[1-15-96, 10-1-00; 8.150.101.8 NMAC — Rn, 8 NMAC 22.LHP.022, 10-1-01; A, 10-1-05; A, 10-01-05; A, 10-01-06]~~

~~8.150.101.9 — [RESERVED]  
[7-1-95, 11-1-95, 11-15-96, 10-1-00; 8.150.101.9 NMAC — Rn, 8 NMAC 22.LHP.022, 10-1-01; A, 10-1-05; A, 10-01-06]~~

**HISTORY OF 8.150.101 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center and Archives:

ISD 600.0000, Energy Assistance Programs, 11-12-82.

ISD 600.0000, Low Income Energy Assistance Program, 1-9-84.

~~ISD 710.0000, Energy Assistance Programs, 11-15-85.~~  
~~ISD 620.0000, Crisis Intervention Assistance, 11-12-82.~~  
~~ISD 620.0000, Energy Crisis Intervention Assistance, 12-27-83.~~  
~~ISD 714.0000, Energy Crisis Intervention, 11-20-85.~~  
~~ISD 630.0000, Program Administration, 11-12-82.~~  
~~ISD 630.0000, Program Administration, 12-27-83.~~  
~~ISD 715.0000, Administration of Energy Assistance Programs, 11-20-85.~~  
~~ISD FA 710, Energy Assistance Programs, 12-5-89.~~  
~~ISD CAS 700, Energy Assistance Program, 11-13-91.~~  
~~ISD CAS 700, Energy Assistance Program, 11-10-92.~~  
~~ISD/CACB/LHP 700, Low Income Home Energy Assistance Program, 5-6-94.~~  
~~ISD/CACB/LHP 700, Low Income Home Energy Assistance Program, 7-28-94.~~

**History of Repealed Material:** [RESERVED]

This is a proposed repeal of 8.150.102 NMAC.

~~[TITLE 8 — SOCIAL SERVICES  
CHAPTER 150 — LOW INCOME HOME ENERGY ASSISTANCE PROGRAM  
PART 102 — FIELD OFFICE RESPONSIBILITIES~~

~~8.150.102.1 — ISSUING AGENCY: New Mexico Human Services Department.  
[7-1-95, 11-1-95; 8.150.102.1 NMAC — Rn, 8 NMAC 22.LHP.000.1, 10-1-01]~~

~~8.150.102.2 — SCOPE: The rule applies to the general public.  
[7-1-95, 11-1-95; 8.150.102.2 NMAC — Rn, 8 NMAC 22.LHP.000.2, 10-1-01]~~

~~8.150.102.3 — STATUTORY AUTHORITY: 27 NMSA 1978 (1992 Repl.) provides for the department to “...adopt, amend and repeal bylaws, rules and regulations...”. It also provides for administration of public assistance programs.  
[7-1-95, 11-1-95; 8.150.102.3 NMAC — Rn, 8 NMAC 22.LHP.000.3, 10-1-01]~~

~~8.150.102.4 — DURATION: Permanent.  
[7-1-95, 11-1-95; 8.150.102.4 NMAC — Rn, 8 NMAC 22.LHP.000.4, 10-1-01]~~

~~8.150.102.5 — EFFECTIVE DATE: November 15, 1996, unless a different date is at the end of a section or paragraph.  
[7-1-95, 11-1-95; 1-15-96, 8.150.102.5 NMAC — Rn, 8 NMAC 22.LHP.000.5, 10-1-01]~~

~~8.150.102.6 — OBJECTIVE: The objective of these regulations is to provide policy and procedures for the administration of the low income home energy assistance program.  
[7-1-95, 11-1-95; 8.150.102.6 NMAC — Rn, 8 NMAC 22.LHP.000.6, 10-1-01]~~

~~8.150.102.7 — DEFINITIONS: [RESERVED]~~

~~8.150.102.8 — ISD FIELD OFFICE RESPONSIBILITIES: Each of the field offices of the income support division in the state is responsible for:~~

- ~~— A. — providing outreach and referral for low income clients, particularly disabled and elderly clients, regarding the LIHEAP program;~~
- ~~— B. — informing low income households, particularly disabled and elderly clients, about the eligibility determination process and application procedures for the LIHEAP program;~~
- ~~— C. — providing documentation to households requesting verification of cash benefits received from the human services department or other documentation available to the department or in the case file;~~
- ~~— D. — complying with other LIHEAP program directives as may be issued by ISD;~~
- ~~— E. — assisting all applicant households to complete the LIHEAP application and when necessary interviewing the household when LIHEAP benefits have been requested;~~
- ~~— F. — entering the completed LIHEAP application into the designated LIHEAP computer system;~~
- ~~— G. — responding to inquires about the status of a LIHEAP application; and~~
- ~~— H. — processing payment errors when identified; the ISD office must issue a supplement in cases of benefit under issuances or complete and submit paperwork to restitution for over issuances.~~

~~[7-1-95, 11-1-95, 11-15-96, 10-01-97, 10-1-00; 8.150.102.8 NMAC — Rn, 8 NMAC 22.LHP.023, 10-1-01; A, 10-1-05; A, 10-01-06; A, 10-01-07]~~

**HISTORY OF 8.150.102 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center and Archives:

- ISD 600.0000, Energy Assistance Programs, 11-12-82.
- ISD 600.0000, Low Income Energy Assistance Program, 1-9-84.
- ISD 710.0000, Energy Assistance Programs, 11-15-85.
- ISD 620.0000, Crisis Intervention Assistance, 11-12-82.
- ISD 620.0000, Energy Crisis Intervention Assistance, 12-27-83.



~~ISD 714.0000, Energy Crisis Intervention, 11-20-85.~~  
~~ISD 630.0000, Program Administration, 11-12-82.~~  
~~ISD 630.0000, Program Administration, 12-27-83.~~  
~~ISD 715.0000, Administration of Energy Assistance Programs, 11-20-85.~~  
~~ISD FA 710, Energy Assistance Programs, 12-5-89.~~  
~~ISD CAS 700, Energy Assistance Program, 11-13-91.~~  
~~ISD CAS 700, Energy Assistance Program, 11-10-92.~~  
~~ISD/CACB/LHP 700, Low Income Home Energy Assistance Program, 5-6-94.~~  
~~ISD/CACB/LHP 700, Low Income Home Energy Assistance Program, 7-28-94.~~

**History of Repealed Material:** [RESERVED]

**This is a proposed amendment to Sections 9 and 10 of 8.150.110 NMAC.**

**8.150.110.9 SUBMISSION OF FORMS: [Paper applications]**

A. Applicants: Any household may apply for regular benefits at any one of the income support division county offices [~~and suboffices~~] located throughout the state during the period specified for application for regular benefits.

B. Application process: In order for a determination of eligibility for regular benefits to be made for these applicant households, the household's [~~paper~~] application, signed and accompanied by all required supporting documentation, must be received by the income support division county offices [~~or suboffices~~] by the deadline date of the application period for regular benefits.

C. Application period: The period of application for regular benefits will be year round beginning after the application for the LIHEAP grant has been submitted to the U. S. department of health and human services, and ending August 31. There will be a one month suspension of LIHEAP during the month of September. The opening and closing dates for this application period are advertised in all promotional material regarding the program.

D. Crisis processing: Households who apply for LIHEAP benefits and provide documentation that a crisis situation exists will have their application [~~"fast tracked."~~] processed within 48 hours after submission of an application for LIHEAP benefits or within 18 hours in demonstrated life-threatening situations.

**8.150.110.10 DISPOSITION OF APPLICATION/NOTICE:**

A. Income support division county office responsibilities: [~~All households who apply for LIHEAP benefits through a paper application at an income support division county office or suboffice will be provided with a notice of approval or denial. The notice of eligibility will be provided to the applicant when the application process is completed at the ISD county office.~~] Households who complete the application process for LIHEAP benefits will be provided with a notice of approval or denial. The notice of benefit determination will be provided to applicant but no later than 60 days from the date of submission of a completed application.

(1) An application will be automatically denied on the 60th day, if the verification required to determine eligibility is not provided.

(2) The application will be denied on or before the 60th day after the application date or by the next work day if the 60th day falls on a weekend or holiday.

B. LIHEAP central office responsibilities: LIHEAP central office staff will complete random reviews of LIHEAP approvals and denials. The review will verify whether LIHEAP policy was correctly applied. If an eligibility error is found or the application is incomplete, a determination will be made to identify any payment errors.

C. Notices: All households will be mailed a notice of eligibility for LIHEAP benefits. The notice will list the point total, the benefit amount and the method of issuance.

**This a proposed amendment to Sections 9, 11- 17 and a proposed repeal of Section 10 of 8.150.410 NMAC.**

**8.150.410.9 ENERGY RESPONSIBILITY:**

A. Energy cost: To be eligible for LIHEAP benefits, the household must incur an energy cost. The energy cost may be for a primary heat source, i.e., the energy source or fuel with which the household is predominantly heated, or for a secondary heat source. A secondary heat source is an energy source that is essential to the process of providing heat to the home. Or, the energy cost may be for a cooling cost. The cooling cost may be for a primary source, i.e., evaporative cooling or refrigerated air, or secondary cooling. Secondary cooling is the use of energy to operate portable fans, ceiling fans, whole house fans, gable vent fans, or power attic vent fans.

B. Secondary heat source: Electricity to ignite a gas or steam furnace is the most common example of an allowable secondary heat source for LIHEAP purposes. Electricity used only for lighting purposes or to operate fans to distribute heat from a wood-burning stove is not considered an allowable secondary heat source for LIHEAP purposes.

C. Wood-gathering households: Households who use wood as a fuel to heat their home and gather the wood themselves are considered to have a heating responsibility. Regardless of whether a [eost] direct or indirect cost was incurred to obtain the wood the household meets this requirement.

D. Direct or Indirect Utility Responsibility: The heating/cooling cost may be direct in the form of a utility payment or fuel purchase, or indirect in the form of a non-subsidized rent payment which either designates or does not designate the included utility cost, or costs associated with obtaining wood for heating households.

E. Crisis Intervention: To be eligible for LIHEAP crisis intervention, the household must meet the eligibility criteria for regular benefits as specified above in 8.150.500.8 NMAC, must not have received a LIHEAP benefit in the current federal fiscal year and, in addition, be able to provide verification that proves the applicant household is facing a current or impending energy crisis, established with any one of the following:

(1) written notice of disconnect for the household from a utility vendor for a disconnect date after the close of the previous LIHEAP crisis season;

(2) proof of insufficient funds for the household to open an account with a utility vendor or meet the security deposit requirements of a utility vendor;

(3) statement from the household's fuel vendor that fuel will not be provided without payment.

F. Community referrals: In circumstances where the household is not eligible for crisis intervention, the household must be informed of other resources in the community, particularly other utility assistance programs available through a community action agency, which may be able to assist the household in meeting its energy expenses.]

~~[8.150.410.10 — DIRECT OR INDIRECT UTILITY RESPONSIBILITY: The heating/cooling cost may be direct in the form of a utility payment or fuel purchase, or indirect in the form of a non-subsidized rent payment which either designates or does not designate the included utility cost.]~~

**8.150.410.[11]10 HOUSING TYPE:**

A. Non-subsidized rent: Non-subsidized rent is defined as an obligation to pay for shelter which is entirely the responsibility of the household incurring the expense.

(1) Separate direct costs: Households paying non-subsidized rent who incur a separate heating/cooling cost are eligible for LIHEAP.

(2) Utilities included in rent: Households paying non-subsidized rent whose utility costs are included in their rent, even if no such cost is designated, are eligible for LIHEAP.

B. Subsidized rent: Subsidized rent assistance is defined as a payment for shelter, or shelter and utilities, the cost of which has been reduced due to a subsidy from a housing or other assistance program. University housing does not meet this definition and is therefore not considered subsidized housing.

(1) Separate direct costs: Households receiving subsidized rent assistance who incur a separate direct cost for heating/cooling are eligible for LIHEAP benefits;

(2) Subsidized rent/utilities with additional separate utility cost: Households receiving subsidized rent assistance who receive a subsidy for utilities but who incur an additional out-of-pocket expense for utilities are eligible for LIHEAP;

(3) Subsidized rent with utilities included: Households receiving subsidized rent assistance whose heating/cooling cost is included in their subsidized rent are not eligible for LIHEAP;

(4) Subsidized rent with rental cost: Households receiving subsidized rent assistance who pay rent but do not pay utilities are not eligible for LIHEAP; and,

(5) Subsidized rent with no cost: Households receiving subsidized rent assistance who pay no rent and no utilities are not eligible for LIHEAP;

C. Mortgaged or free and clear home: Households who pay a mortgage or own their own home and incur a separate heating/cooling cost are eligible for LIHEAP.

**8.150.410.~~[12]~~11 INDIAN TRIBAL ELIGIBILITY:** In New Mexico, an Indian tribe may choose to administer its own LIHEAP program for tribal members and request from DHHS an allocation of the state's share of the LIHEAP grant award for this purpose. An Indian tribe is defined as a legal entity of a group of Native Americans living on tribal lands with a distinct and separate government. Residents of tribal land may be eligible for tribal administered LIHEAP or HSD-administered LIHEAP under the following circumstances.

A. Tribes that administer LIHEAP: Indian tribal members living on their tribe's tribal lands, whose tribe administers their own LIHEAP program, are not eligible for HSD-administered LIHEAP benefits.

B. Tribes not administering LIHEAP: Indian tribal members living on the tribal lands of tribes not administering their own LIHEAP program may be considered for HSD-administered LIHEAP benefits providing they meet income eligibility and heating/cooling responsibility requirements as specified in this policy.

C. Indians on other tribes' land: ~~[Households]~~ Households that are members of Indian tribes administering their own LIHEAP program but not living on their tribe's tribal lands, may be considered for HSD-administered LIHEAP benefits providing they meet income eligibility and heating responsibility requirements, as specified in this policy, and they did not receive LIHEAP benefits from their tribal government.

D. Non-Indians and non-tribal members on tribal land: Non-Indians living on tribal lands and Indians living on tribal lands who are excluded from eligibility for LIHEAP by the Indian tribe administering their own LIHEAP program may be considered for HSD-administered LIHEAP benefits providing they meet income eligibility and heating/cooling responsibility requirements as specified in this policy.

E. At the direction of the HSD secretary, HSD may serve tribal members normally excluded due to Subsection A of 8.150.410.12 NMAC if they have not been or do not expect to be served by the tribal LIHEAP program.

**8.150.410.~~[13]~~12 CITIZENSHIP:** To be eligible, a LIHEAP household must contain at least one member who is a (1) U.S. citizen, or (2) a qualified alien considered eligible to participate in the TANF program. See 8 USC Sec. 1641, Title 8, Chapter 14, Subchapter IV, and any subsequent changes.

**8.150.410.~~[14]~~13 RESIDENCY:** To be eligible, a LIHEAP household must have a residence in New Mexico and be occupying that residence at the time of application. The LIHEAP benefit must be applied toward the utility or fuel costs incurred for that residence.

**8.150.410.~~[15]~~14 ENUMERATION:** To be eligible for inclusion in the LIHEAP benefit group, a social security number (SSN) or proof of application for a number must be provided for each citizen and qualified alien for which assistance is being requested. Any member(s) of a LIHEAP applicant household who do not meet the requirements of this section will not be eligible for a LIHEAP benefit.

**8.150.410.15 RESIDENCE IN FACILITY OR INSTITUTION:** Persons residing in New Mexico but living in group homes, halfway houses, institutions, homeless shelters, or in places not normally intended for human occupation are not eligible unless they can document heating/cooling expenses.

**8.150.410.16 RECIPIENT RIGHTS:**

A. Treatment and non-discrimination: Members of a household shall have the right, at all times, to be treated with dignity at all times. Household members may not be discriminated against on the basis of age, sex, race, color, handicap, national origin, or religious or political belief.

B. Confidentiality: Household members have the right to confidentiality.

C. Fair hearings: The household has the right to disagree with the determinations made by HSD and to appeal such actions through HSD's fair hearing process.

**8.150.410.17 RECIPIENT RESPONSIBILITIES:**

A. Benefit purpose: The household is responsible for using the benefit received for the purpose intended.

B. Erroneously issued benefits: If it is determined the household is not entitled to the benefit received, whether agency or client caused, the household is responsible for paying back the benefits received. The household is responsible for repayment whether the benefit was received directly by the household or paid to a vendor.

This is a proposed repeal of 8.105.420 NMAC.

~~[TITLE 8 — SOCIAL SERVICES  
CHAPTER 150 — LOW INCOME HOME ENERGY ASSISTANCE PROGRAM  
PART 420 — SPECIAL RECIPIENT REQUIREMENTS~~

~~8.150.420.1 — ISSUING AGENCY: New Mexico Human Services Department.  
[7-1-95, 11-1-95; 8.150.420.1 NMAC — Rn, 8 NMAC 22.LHP.000.1, 10-1-01]~~

~~8.150.420.2 — SCOPE: The rule applies to the general public.  
[7-1-95, 11-1-95; 8.150.420.2 NMAC — Rn, 8 NMAC 22.LHP.000.2, 10-1-01]~~

~~8.150.420.3 — STATUTORY AUTHORITY: 27 NMSA 1978 (1992 Repl.) provides for the department to “...adopt, amend and repeal bylaws, rules and regulations...”. It also provides for administration of public assistance programs.  
[7-1-95, 11-1-95; 8.150.420.3 NMAC — Rn, 8 NMAC 22.LHP.000.3, 10-1-01]~~

~~8.150.420.4 — DURATION: Permanent.  
[7-1-95, 11-1-95; 8.150.420.4 NMAC — Rn, 8 NMAC 22.LHP.000.4, 10-1-01]~~

~~8.150.420.5 — EFFECTIVE DATE: November 15, 1996, unless a different date is at the end of a section or paragraph.  
[7-1-95, 11-1-95; 1-15-96, 8.150.420.5 NMAC — Rn, 8 NMAC 22.LHP.000.5, 10-1-01]~~

~~8.150.420.6 — OBJECTIVE: The objective of these regulations is to provide policy and procedures for the administration of the low income home energy assistance program.  
[7-1-95, 11-1-95; 8.150.420.6 NMAC — Rn, 8 NMAC 22.LHP.000.6, 10-1-01]~~

~~8.150.420.7 — DEFINITIONS: [RESERVED]~~

~~8.150.420.8 — RESIDENCE IN FACILITY OR INSTITUTION: Persons residing in New Mexico but living in group homes, halfway houses, institutions, homeless shelters, or in places not normally intended for human occupation are not eligible unless they can document heating/cooling expenses.  
[7-1-95, 11-1-95, 11-15-96, 10-1-97; 8.150.420.8 NMAC — Rn, 8 NMAC 22.LHP.420 & A, 10-1-01]~~

This is a proposed repeal of 8.150.430 NMAC.

~~[TITLE 8 — SOCIAL SERVICES~~

~~CHAPTER 150 — LOW INCOME HOME ENERGY ASSISTANCE PROGRAM~~

~~PART 430 — RECIPIENT RIGHTS/RESPONSIBILITIES~~

~~8.150.430.1 — ISSUING AGENCY: New Mexico Human Services Department.~~

~~[7-1-95, 11-1-95; 8.150.430.1 NMAC — Rn, 8 NMAC 22.LHP.000.1, 10-1-01]~~

~~8.150.430.2 — SCOPE: The rule applies to the general public.~~

~~[7-1-95, 11-1-95; 8.150.430.2 NMAC — Rn, 8 NMAC 22.LHP.000.2, 10-1-01]~~

~~8.150.430.3 — STATUTORY AUTHORITY: 27 NMSA 1978 (1992 Repl.) provides for the department to “...adopt, amend and repeal bylaws, rules and regulations...”. It also provides for administration of public assistance programs.~~

~~[7-1-95, 11-1-95; 8.150.430.3 NMAC — Rn, 8 NMAC 22.LHP.000.3, 10-1-01]~~

~~8.150.430.4 — DURATION: Permanent.~~

~~[7-1-95, 11-1-95; 8.150.430.4 NMAC — Rn, 8 NMAC 22.LHP.000.4, 10-1-01]~~

~~8.150.430.5 — EFFECTIVE DATE: November 15, 1996, unless a different date is at the end of a section or paragraph.~~

~~[7-1-95, 11-1-95; 1-15-96, 8.150.430.5 NMAC — Rn, 8 NMAC 22.LHP.000.5, 10-1-01]~~

~~8.150.430.6 — OBJECTIVE: The objective of these regulations is to provide policy and procedures for the administration of the low income home energy assistance program.~~

~~[7-1-95, 11-1-95; 8.150.430.6 NMAC — Rn, 8 NMAC 22.LHP.000.6, 10-1-01]~~

~~8.150.430.7 — DEFINITIONS: [RESERVED]~~

~~8.150.430.8 — RECIPIENT RIGHTS:~~

~~— A. — Treatment and non-discrimination: Members of a household have the right, at all times, to be treated with dignity. Household members may not be discriminated against on the basis of age, sex, race, color, handicap, national origin, or religious or political belief.~~

~~— B. — Confidentiality: The household members have the right to confidentiality.~~

~~— C. — Fair hearings: The household has the right to disagree with the determinations made by HSD and to appeal such action through HSD's fair hearing process.~~

~~[7-1-95, 11-1-95, 11-15-96, 10-1-00; 8.150.430.8 NMAC — Rn, 8 NMAC 22.LHP.430.1, 10-1-01; A, 10-01-06]~~

~~8.150.430.9 — RECIPIENT RESPONSIBILITIES:~~

~~— A. — Benefit purpose: The household is responsible for using the benefit received for the purpose intended.~~

~~— B. — Erroneously issued benefits: If it is determined the household is not entitled to the benefit received, whether agency or client caused, the household is responsible for paying back the benefits received. The household is responsible for repayment whether the benefit was received directly by the household or paid to a vendor.~~

~~[7-1-95, 11-1-95, 11-15-96, 10-1-97; 8.150.430.9 NMAC — Rn, 8 NMAC 22.LHP.430.2, 10-1-01; A, 10-01-06]~~

~~HISTORY OF 8.150.430 NMAC:~~

~~Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives:~~

~~ISD 600.0000, Energy Assistance Programs, 11-12-82.~~

~~ISD 600.0000, Low Income Energy Assistance Program, 1-9-84.~~

~~ISD 710.0000, Energy Assistance Programs, 11-15-85.~~

~~ISD 620.0000, Crisis Intervention Assistance, 11-12-82.~~

~~ISD 620.0000, Energy Crisis Intervention Assistance, 12-27-83.~~

~~ISD 714.0000, Energy Crisis Intervention, 11-20-85.~~

~~ISD 630.0000, Program Administration, 11-12-82.~~  
~~ISD 630.0000, Program Administration, 12-27-83.~~  
~~ISD 715.0000, Administration of Energy Assistance Programs, 11-20-85.~~  
~~ISD FA 710, Energy Assistance Programs, 12-5-89.~~  
~~ISD CAS 700, Energy Assistance Program, 11-13-91.~~  
~~ISD CAS 700, Energy Assistance Program, 11-10-92.~~  
~~ISD/CACB/LHP 700, Low Income Home Energy Assistance Program, 5-6-94.~~  
~~ISD/CACB/LHP 700, Low Income Home Energy Assistance Program, 7-28-94.~~

**History of Repealed Material:** [RESERVED]



**This is a proposed amendment to Section 8 and a proposed repeal of Sections 9 and 10 of 8.150.500 NMAC.**

**8.150.500.8 NEED DETERMINATION:** To be eligible for LIHEAP benefits households must do the following:

A. Application: A household member or representative must complete an application for LIHEAP benefits and be interviewed; and

B. Documentation: The household must provide proof that they meet the qualifications of the LIHEAP program. Current documents used in other public assistance programs may be used for LIHEAP application processes, unless questionable.

(1) proof of identity for the applicant using any of the following documentation:

- (a) birth certificates(s); or
- (b) baptism certificate; or
- (c) hospital or birth record; or
- (d) divorce papers; or
- (e) alien registration card; or
- (f) immigration & naturalization service (INS) records; or
- (g) U. S. passport; or
- (h) Indian census records; or
- (i) family bible; or
- (j) school or day care records; or;
- (k) government records; or
- (l) social security records; or
- (m) social service records; or
- (n) insurance policy; or
- (o) court records; or
- (p) church records; or
- (q) voter registration card; or
- (r) letter from doctor, religious official or school official, or someone else who knows the

applicant; or

(s) applicant sworn statement.

(2) proof of citizenship or legal resident status if questionable, such as birth certificate, permanent resident card, naturalization papers, etc.;

(3) social security numbers for all household members; a social security card is required if the number has not been issued by the social security administration or is being used by another person in the ISD data bases;

(4) proof of gross income for all household members, such as check stubs, award letters, statement from employer, etc.;

(5) proof of a utility responsibility with an expense incurred in the past twelve months for the household's current residence[- ~~unless expense information is made available to HSD by a utility, bulk fuel vendor or municipality~~]:

- (a) bill for metered service for a one-month period, or
- (b) purchase receipt for propane, or
- (c) receipt for wood purchase, or
- (d) rental agreement or landlord statement that utilities are included in rent, or
- (e) signed statement or billing history from a utility or fuel vendor.

(6) account number at current address for the selected heating or cooling expense;

(7) proof of crisis when the situation exists, such as a disconnect notice, statement of non-delivery of bulk fuel or statement detailing the cost of initiating service;

(8) proof of disability for at least one household member as determined by another public assistance or federal or state entity, [~~if claimed, such as a doctor's statement, SSI award letter, statement of receipt of worker's compensation or DVR services, other disability based income, etc.~~]; and

(9) proof of emergency expenditures that apply to 8.150.526 NMAC.

C. Eligibility criteria: The household must meet the identity, social security number, income, citizenship, utility responsibility, and residency requirements.

~~**8.150.500.9 — CRISIS INTERVENTION:** To be eligible for LIHEAP crisis intervention, the household must meet the eligibility criteria for regular benefits as specified above in 8.150.500.8 NMAC, must not have received a LIHEAP benefit in the current federal fiscal year and, in addition, be able to:~~

~~———— A. ——— Crisis verification: Provide verification that proves the applicant household is facing a current or impending energy crisis, established with any one of the following:~~

~~———— (1) ——— written notice of disconnect for the household from a utility vendor for a disconnect date after the close of the previous LIHEAP crisis season;~~

~~———— (2) ——— proof of insufficient funds for the household to open an account with a utility vendor or meet the security deposit requirements of a utility vendor;~~

~~———— (3) ——— statement from the household's fuel vendor that fuel will not be provided without payment.~~

~~———— B. ——— Community referrals: In circumstances where the household is not eligible for crisis intervention, the household must be informed of other resources in the community, particularly other utility assistance programs available through a community action agency, which may be able to assist the household in meeting its energy expenses.~~

~~[7-1-95, 11-1-95, 11-15-96, 10-15-98, 10-1-00; 8.150.500.9 NMAC — Rn, 8 NMAC 22.LHP.501.12, 10-1-01; A, 10-1-06]~~

~~**8.150.500.10 — GROSS INCOME DETERMINATION:** Gross income is defined as all income received prior to deductions, including taxes, and garnishments, whether voluntary or involuntary.~~

~~———— A. ——— **Income sources:** Gross income includes income from both earned and unearned sources.~~

~~———— B. ——— **Countable income:** The gross unearned income of all household members is counted in its entirety, and the gross earned income of all household members over the age of 18 is counted in its entirety, unless:~~

~~———— (1) ——— the income is specifically exempted; or~~

~~———— (2) ——— the income is self employment (see LIHEAP 8.150.520.9 NMAC); or~~

~~———— (3) ——— the income is that of an ineligible alien, in which case the income is prorated (see LIHEAP policy 8.150.520.10 NMAC);~~

~~———— (4) ——— the income is a full month's income and is anticipated to be received on a weekly or biweekly basis; in these circumstances, the income shall be converted to a monthly amount as follows:~~

~~———— (a) ——— income received on a weekly basis is averaged and multiplied by 4.0;~~

~~———— (b) ——— income received on a biweekly basis is averaged and multiplied by 2.0;~~

~~———— (c) ——— averaged income shall be rounded to the nearest whole dollar prior to application of the conversion factor; amounts resulting in \$.50 or more are rounded up; amounts resulting in \$.49 or lower are rounded down.~~

~~———— C. ——— **Gross income receipt period:** Gross income received or anticipated to be received by the household in the month of application is used to establish income eligibility for LIHEAP applications unless Subsection D of 8.150.500.10 NMAC applies.~~

~~———— D. ——— **Current income verified in other public assistance programs:** Current income that has been verified by ISD in another active public assistance programs may be used to verify income for the LIHEAP application, unless questionable.~~

~~[7-1-95, 11-1-95, 11-15-96, 10-15-98, 10-1-00; 8.150.500.10 NMAC — Rn, 8 NMAC 22.LHP.501.2 & A, 10-1-01; A, 10-1-05; A, 10-1-07; A, 4-1-10]]~~

**This is a proposed amendment to Sections 8 - 19 of 8.150.520 NMAC.**

**8.150.520.8 EARNED GROSS INCOME:**

A. Definitions: Earned gross income is defined as income received in the form of wages paid on a predetermined regular basis, pay received irregularly for work performed irregularly, or income resulting from self-employment activities. Income from rental property, if 20 hours or more per week are spent working as a landlord, is also countable as earned income.

B. Exclusions: The following are not counted as gross income:

- (1) in-kind benefits: (i.e. good or services realized, provided or exchanged for non-monetary compensation);
- (2) vendor payments: (i.e. payments made on behalf of a household to a third party);
- (3) lump sum payments: food stamp policy on lump sum policy in 8.139 NMAC;
- (4) loans;
- (5) charitable contributions from nonprofit agencies to meet household expenses;
- (6) earned income tax credits;
- (7) value of food stamps;
- (8) TANF annual clothing allowance;
- (9) monies received for the care of a third party beneficiary who is not a household member; and
- (10) monies excluded by federal statute, a listing of which can be found in food stamp policy citation 8.139 NMAC.

**8.150.520.9 SELF EMPLOYMENT GROSS INCOME:** Self employment income must be annualized.

A. Definition Ongoing self-employment income intended to support the household through the year [~~must be annualized~~], that is, averaged over a 12 month period, even if the household earns the money in a concentrated period. Self-employment income intended to support the household only for a portion of the year must be averaged over the months it is intended to provide support.

B. Verification sources: Monthly business records detailing profits and expenses or the household's federal income tax return are needed to annualize the household's self-employment income.

C. Gross income calculation: For self-employment income, the net income of the business activity is considered the gross income of the household member. The net income of the business is derived by subtracting the allowable costs of doing business from the business's gross income.

D. Business expenses:

(1) Allowable costs are, generally, those required to produce the business's gross income. These include, but are not limited, to: raw materials, stock, labor, insurance premiums, interest paid on income producing property, taxes paid on income-producing property, transportation for business purposes.

(2) Costs specifically not allowed are payments on the principal of the purchase price of income-producing property, assets, equipment, or machinery, net losses from previous periods, personal income taxes, money set aside for personal expenses, transportation to and from work, charitable contributions, entertainment, and depreciation.

E. Annualizing income: From gross self-employment income, subtract allowable expenses to derive the net self-employment income. Divide the net self-employment income by 12 to produce a monthly (average) figure. This figure is the countable monthly gross income. To determine the household's total gross, this figure must be added to any other income the household receives.

**8.150.520.10 GROSS INCOME OF INELIGIBLE ALIENS:** The gross income received by any ineligible alien household member must be prorated.

A. Definition: If any member of the household providing income to the household is an ineligible alien for TANF purposes, that member's income is not counted in its entirety but is prorated. Prorating results in excluding a portion of the ineligible alien household member's income from consideration because the ineligible alien is not a recipient of public assistance benefits.

B. Proration calculation: Calculate the gross income of the ineligible alien and divide the total by the number of members, eligible and ineligible, in the household. The resulting figure is the pro-rata portion of the income for each member, eligible and ineligible. To determine the portion of the income to be counted, multiply the pro rata portion by the remaining number of eligible household members.

**8.150.520.11 GROSS INCOME OF MIGRANT HOUSEHOLDS:**

- A. Definition: A migrant household is a group that travels away from home on a regular basis with a group of laborers to seek employment in an agriculturally related activity.
- B. Verification sources: The household's federal income tax return is needed to annualize the household's income.
- C. Calculation: The household's annual income reported on their federal income tax return should be divided by 12 to determine the household's average monthly income.

**8.150.520.12 GROSS INCOME DETERMINATION:** Gross income is defined as all income received prior to deductions, including taxes, and garnishments, whether voluntary or involuntary.

- A. **Income sources:** Gross income includes income from both earned and unearned sources.
- B. **Countable income:** The gross unearned income of all household members is counted in its entirety, and the gross earned income of all household members over the age of 18 is counted in its entirety, unless:
  - (1) the income is specifically exempted; or
  - (2) the income is self-employment, in which case the income is annualized (see LIHEAP 8.150.520.9 NMAC); or
  - (3) the income is that of an ineligible alien, in which case the income is prorated (see LIHEAP policy 8.150.520.10 NMAC);
  - (4) the income is a full month's income and is anticipated to be received on a weekly or biweekly basis; in these circumstances, the income shall be converted to a monthly amount as follows:
    - (a) income received on a weekly basis is averaged and multiplied by 4.0;
    - (b) income received on a biweekly basis is averaged and multiplied by 2.0;
    - (c) averaged income shall be rounded to the nearest whole dollar prior to application of the conversion factor; amounts resulting in \$.50 or more are rounded up; amounts resulting in \$.49 or lower are rounded down.
- C. **Gross income receipt period:** For LIHEAP applications in which subsection D of 8.150.500.10 NMAC does not apply, HSD shall establish income by utilizing the gross income of the household for the 30 day period immediately preceding the date on which LIHEAP eligibility is determined by ISD.
- D. **Current income verified in other public assistance programs:** Current income that has been verified by ISD in another active public assistance programs may be used to verify income for the LIHEAP application, unless deemed questionable.

**8.150.520.13 UNEARNED INCOME:**

- A. Definition: Unearned income is, generally, income received in the form of entitlement, disability, retirement or unemployment benefits. Some examples of these types of payments are OASDI, SSI, worker's compensation, and unemployment compensation benefits (UCB.)
- B. Gross unearned income: The gross amount of the benefit or payment must be counted. In the case of OASDI benefits, the gross amount of the benefit includes the amount deducted for the medicare premium, if applicable.
- C. Other unearned income: Unearned income includes but is not limited to the following:
  - (1) child support;
  - (2) alimony;
  - (3) temporary assistance to needy families (TANF) benefits;
  - (4) general assistance (GA) payments;
  - (5) royalties;
  - (6) dividends and interest;
  - (7) tribal benefits.
- D. Real estate contracts: Monthly payments resulting from the sale of property and contributions from family or friends are also countable unearned income.
- E. Exclusions: The following are not counted as income:
  - (1) in-kind benefits (i.e. goods or services realized, provided or exchanged for non-monetary compensation);
  - (2) vendor payments (i.e. payments made on behalf of a household to a third party);
  - (3) lump sum payments: see food stamp policy on lump sum payments in 8.139 NMAC;
  - (4) loans;
  - (5) charitable contributions from nonprofit agencies to meet household expenses;
  - (6) earned income tax credits;

- (7) value of food stamps;
- (8) TANF annual clothing allowance;
- (9) monies received for the care of a third party beneficiary who is not a household member; and
- (10) monies excluded by federal statute, a listing of which can be found in food stamp policy citation 8.139 NMAC.

**8.150.520.14 TOTAL GROSS INCOME:** The household's total gross income is determined by adding countable earned and unearned income. Income received from self-employment and by ineligible aliens is not counted in full. The income of migrant households may be annualized and averaged. The household's total gross income must be equal to or less than the following standards.

**8.150.520.15 INCOME STANDARD:** Income guidelines for eligibility will be updated at the beginning of each federal fiscal year as required by federal statute. The guidelines will be effective for the entire federal fiscal year beginning October 1 and ending September 30. The income guidelines will be determined by the secretary of the human services department before the beginning of the new federal fiscal year. The gross monthly income guidelines maximum may be one of the allowable which includes 150% of the applicable federal poverty guidelines, 60% of the state median income or other income allowable by the appropriation.

**8.150.520.16 CRISIS INTERVENTION STANDARDS:** Households must meet the current income standard to be eligible for a LIHEAP benefit. If a household is over the income standards and meets the crisis intervention requirements, HSD staff should explore the household's financial circumstances in the past 30 days. HSD takes into account any financial crises in the household that may have resulted in the household's inability to meet its utility or fuel expenses. In these cases, the household's net income, rather than gross income, may be considered to determine income eligibility for LIHEAP benefits.

**8.150.520.17 NET INCOME:**

A. Definition: Net income, for the purposes of LIHEAP policy, is not gross income minus deductions. Rather, it is gross income minus household emergency expenses incurred and paid in 30 days prior to the application date or the initial payment, during that period, of a bill resulting from a recent household emergency.

B. Calculation: To determine the net income, subtract any allowable household emergency expenses from the household's gross income.

C. No emergency expenses: If the household did not incur and pay household emergency expenses or an initial payment for a recent household emergency in the 30 days prior to the application date for LIHEAP benefits, gross income is to be used to make the determination of eligibility.

**8.150.520.18 HOUSEHOLD EMERGENCY EXPENSES:**

A. Definition: Household emergency expenses are defined as expenses incurred and paid by the household in the 30 days prior to the application date or the initial payment during that period of a bill resulting from a recent household emergency, such as:

- (1) hospital, ambulance, doctor and dental bills;
- (2) laboratory and other testing bills;
- (3) prescriptions and non-prescription items ordered by a licensed health care professional; and
- (4) services provided or ordered by a licensed health care professional; or
- (5) non-elective medical expenses.

B. Emergency medical expenses, such as:

- (1) hospital bills; and
- (2) ambulance bills;
- C. expenses resulting from the death of a household member or other major household crisis; or
- D. repair or replacement of the household's primary vehicle;

E. licensure exemption: Native American practitioners (medicine men), though not licensed by the state, are specifically recognized by HSD as health care providers under this policy.

**8.150.520.19 VERIFICATION:** To be considered, the household must provide proof of the incurred expense(s) and proof of payment.

This is proposed repeal of 8.150.522 NMAC.

~~TITLE 8 — SOCIAL SERVICES  
CHAPTER 150 — LOW INCOME HOME ENERGY ASSISTANCE PROGRAM  
PART 522 — UNEARNED INCOME~~

~~8.150.522.1 — ISSUING AGENCY: New Mexico Human Services Department.  
[7-1-95, 11-1-95; 8.150.522.1 NMAC — Rn, 8 NMAC 22.LHP.000.1, 10-1-01]~~

~~8.150.522.2 — SCOPE: The rule applies to the general public.  
[7-1-95, 11-1-95; 8.150.522.2 NMAC — Rn, 8 NMAC 22.LHP.000.2, 10-1-01]~~

~~8.150.522.3 — STATUTORY AUTHORITY: 27 NMSA 1978 (1992 Repl.) provides for the department to “...adopt, amend and repeal bylaws, rules and regulations...”. It also provides for administration of public assistance programs.  
[7-1-95, 11-1-95; 8.150.522.3 NMAC — Rn, 8 NMAC 22.LHP.000.3, 10-1-01]~~

~~8.150.522.4 — DURATION: Permanent.  
[7-1-95, 11-1-95; 8.150.522.4 NMAC — Rn, 8 NMAC 22.LHP.000.4, 10-1-01]~~

~~8.150.522.5 — EFFECTIVE DATE: November 15, 1996, unless a different date is at the end of a section or paragraph.  
[7-1-95, 11-1-95; 1-15-96, 8.150.522.5 NMAC — Rn, 8 NMAC 22.LHP.000.5, 10-1-01]~~

~~8.150.522.6 — OBJECTIVE: The objective of these regulations is to provide policy and procedures for the administration of the low income home energy assistance program.  
[7-1-95, 11-1-95; 8.150.522.6 NMAC — Rn, 8 NMAC 22.LHP.000.6, 10-1-01]~~

~~8.150.522.7 — DEFINITIONS: [RESERVED]~~

~~8.150.522.8 — UNEARNED INCOME:~~

~~—— A. — Definition: Unearned income is, generally, income received in the form of entitlement, disability, retirement or unemployment benefits. Some examples of these types of payments are OASDI, SSI, worker's compensation, and unemployment compensation benefits (UCB.)~~

~~—— B. — Gross unearned income: The gross amount of the benefit or payment must be counted. In the case of OASDI benefits, the gross amount of the benefit includes the amount deducted for the medicare premium, if applicable.~~

~~—— C. — Other unearned income: Unearned income includes but is not limited to the following:~~

- ~~—— (1) — child support;~~
- ~~—— (2) — alimony;~~
- ~~—— (3) — temporary assistance to needy families (TANF) benefits;~~
- ~~—— (4) — general assistance (GA) payments;~~
- ~~—— (5) — royalties;~~
- ~~—— (6) — dividends and interest;~~
- ~~—— (7) — tribal benefits.~~

~~—— D. — Real estate contracts: Monthly payments resulting from the sale of property and contributions from family or friends are also countable unearned income.~~

~~—— E. — Exclusions: The following are not counted as income:~~

- ~~—— (1) — in kind benefits (i.e. goods or services realized, provided or exchanged for non-monetary compensation);~~
- ~~—— (2) — vendor payments (i.e. payments made on behalf of a household to a third party);~~
- ~~—— (3) — lump sum payments: see food stamp policy on lump sum payments in 8.139 NMAC;~~
- ~~—— (4) — loans;~~
- ~~—— (5) — charitable contributions from nonprofit agencies to meet household expenses;~~
- ~~—— (6) — earned income tax credits;~~
- ~~—— (7) — value of food stamps;~~

~~\_\_\_\_\_ (8) TANF annual clothing allowance;~~  
~~\_\_\_\_\_ (9) monies received for the care of a third party beneficiary who is not a household member; and~~  
~~\_\_\_\_\_ (10) monies excluded by federal statute, a listing of which can be found in food stamp policy citation 8.139 NMAC.~~  
~~{7-1-95, 11-1-95, 11-15-96, 10-15-98, 10-1-99, 10-1-00; 8.150.522.8 NMAC -- Rn, 8 NMAC 22.LHP.522, 10-1-01; A, 10-01-06}~~

**HISTORY OF 8.150.522 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center and Archives:

~~ISD 600.0000, Energy Assistance Programs, 11-12-82.~~  
~~ISD 600.0000, Low Income Energy Assistance Program, 1-9-84.~~  
~~ISD 710.0000, Energy Assistance Programs, 11-15-85.~~  
~~ISD 620.0000, Crisis Intervention Assistance, 11-12-82.~~  
~~ISD 620.0000, Energy Crisis Intervention Assistance, 12-27-83.~~  
~~ISD 714.0000, Energy Crisis Intervention, 11-20-85.~~  
~~ISD 630.0000, Program Administration, 11-12-82.~~  
~~ISD 630.0000, Program Administration, 12-27-83.~~  
~~ISD 715.0000, Administration of Energy Assistance Programs, 11-20-85.~~  
~~ISD FA 710, Energy Assistance Programs, 12-5-89.~~  
~~ISD CAS 700, Energy Assistance Program, 11-13-91.~~  
~~ISD CAS 700, Energy Assistance Program, 11-10-92.~~  
~~ISD/CACB/LHP 700, Low Income Home Energy Assistance Program, 5-6-94.~~  
~~ISD/CACB/LHP 700, Low Income Home Energy Assistance Program, 7-28-94.~~

**History of Repealed Material:** [RESERVED]

This is a proposed repeal of 8.150.524 NMAC.

~~[TITLE 8 — SOCIAL SERVICES  
CHAPTER 150 — LOW INCOME HOME ENERGY ASSISTANCE PROGRAM  
PART 524 — GROSS INCOME ELIGIBILITY~~

~~8.150.524.1 — ISSUING AGENCY: New Mexico Human Services Department.  
[7-1-95, 11-1-95; 8.150.524.1 NMAC — Rn, 8 NMAC 22.LHP.000.1, 10-1-01]~~

~~8.150.524.2 — SCOPE: The rule applies to the general public.  
[7-1-95, 11-1-95; 8.150.524.2 NMAC — Rn, 8 NMAC 22.LHP.000.2, 10-1-01]~~

~~8.150.524.3 — STATUTORY AUTHORITY: 27 NMSA 1978 (1992 Repl.) provides for the department to “...adopt, amend and repeal bylaws, rules and regulations...”. It also provides for administration of public assistance programs.  
[7-1-95, 11-1-95; 8.150.524.3 NMAC — Rn, 8 NMAC 22.LHP.000.3, 10-1-01]~~

~~8.150.524.4 — DURATION: Permanent.  
[7-1-95, 11-1-95; 8.150.524.4 NMAC — Rn, 8 NMAC 22.LHP.000.4, 10-1-01]~~

~~8.150.524.5 — EFFECTIVE DATE: November 15, 1996, unless a different date is at the end of a section or paragraph.  
[7-1-95, 11-1-95; 1-15-96, 8.150.524.5 NMAC — Rn, 8 NMAC 22.LHP.000.5, 10-1-01]~~

~~8.150.524.6 — OBJECTIVE: The objective of these regulations is to provide policy and procedures for the administration of the low income home energy assistance program.  
[7-1-95, 11-1-95; 8.150.524.6 NMAC — Rn, 8 NMAC 22.LHP.000.6, 10-1-01]~~

~~8.150.524.7 — DEFINITIONS: [RESERVED]~~

~~8.150.524.8 — TOTAL GROSS INCOME: The household's total gross income is determined by adding countable earned and unearned income. Income received from self employment and by ineligible aliens is not counted in full. The income of migrant households may be annualized and averaged. The household's total gross income must be equal to or less than the following standards.  
[7-1-95, 11-1-95, 11-15-96, 11-01-97, 10-15-98, 10-1-00; 8.150.524.8 NMAC — Rn, 8. NMAC 22.LHP.524, 10-1-01]~~

~~8.150.524.9 — INCOME STANDARD: Income guidelines for eligibility will be updated at the beginning of each federal fiscal year as required by federal statute. The guidelines will be effective for the entire federal fiscal year beginning October 1 and ending September 30. The income guidelines will be determined by the secretary of the human services department before the beginning of the new federal fiscal year. The gross monthly income guidelines maximum may be one of the allowable which includes 150% of the applicable federal poverty guidelines, 60% of the state median income or other income allowable by the appropriation. LIHEAP income guidelines are available from all human services department income support division offices, by writing to: Human Services Department LIHEAP P O Box 12740 Albuquerque NM 87195-0740 or by contacting the income support division customer service desk at 1-800-283-4465 or New Mexico Relay at 1-800-659-8331. If you are disabled and need the guidelines in an alternative format, please notify HSD with a request. The income guidelines are also located on the HSD income support division web site at <http://www.hsd.state.nm.us/isd/liheap.html>.  
[11-15-96, 11-01-97, 10-15-98, 10-1-99, 10-1-00; 8.150.524.9 NMAC — Rn, 8 NMAC 22.LHP.524 & A, 10-1-01; A, 10-01-06; A, 01-15-10]~~

**HISTORY OF 8.150.524 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center and Archives:

ISD 600.0000, Energy Assistance Programs, 11-12-82.

ISD 600.0000, Low Income Energy Assistance Program, 1-9-84.



~~ISD 710.0000, Energy Assistance Programs, 11-15-85.~~  
~~ISD 620.0000, Crisis Intervention Assistance, 11-12-82.~~  
~~ISD 620.0000, Energy Crisis Intervention Assistance, 12-27-83.~~  
~~ISD 714.0000, Energy Crisis Intervention, 11-20-85.~~  
~~ISD 630.0000, Program Administration, 11-12-82.~~  
~~ISD 630.0000, Program Administration, 12-27-83.~~  
~~ISD 715.0000, Administration of Energy Assistance Programs, 11-20-85.~~  
~~ISD FA 710, Energy Assistance Programs, 12-5-89.~~  
~~ISD CAS 700, Energy Assistance Program, 11-13-91.~~  
~~ISD CAS 700, Energy Assistance Program, 11-10-92.~~  
~~ISD/CACB/LHP 700, Low Income Home Energy Assistance Program, 5-6-94.~~  
~~ISD/CACB/LHP 700, Low Income Home Energy Assistance Program, 7-28-94.~~

**History of Repealed Material:** [RESERVED]

This is a proposed repeal of 8.150.526 NMAC.

~~[TITLE 8 — SOCIAL SERVICES  
CHAPTER 150 — LOW INCOME HOME ENERGY ASSISTANCE PROGRAM  
PART 526 — NET INCOME ELIGIBILITY~~

~~8.150.526.1 — ISSUING AGENCY: New Mexico Human Services Department.  
[7-1-95, 11-1-95; 8.150.526.1 NMAC — Rn, 8 NMAC 22.LHP.000.1, 10-1-01]~~

~~8.150.526.2 — SCOPE: The rule applies to the general public.  
[7-1-95, 11-1-95; 8.150.526.2 NMAC — Rn, 8 NMAC 22.LHP.000.2, 10-1-01]~~

~~8.150.526.3 — STATUTORY AUTHORITY: 27 NMSA 1978 (1992 Repl.) provides for the department to “...adopt, amend and repeal bylaws, rules and regulations...”. It also provides for administration of public assistance programs.  
[7-1-95, 11-1-95; 8.150.526.3 NMAC — Rn, 8 NMAC 22.LHP.000.3, 10-1-01]~~

~~8.150.526.4 — DURATION: Permanent.  
[7-1-95, 11-1-95; 8.150.526.4 NMAC — Rn, 8 NMAC 22.LHP.000.4, 10-1-01]~~

~~8.150.526.5 — EFFECTIVE DATE: November 15, 1996, unless a different date is at the end of a section or paragraph.  
[7-1-95, 11-1-95; 1-15-96, 8.150.526.5 NMAC — Rn, 8 NMAC 22.LHP.000.5, 10-1-01]~~

~~8.150.526.6 — OBJECTIVE: The objective of these regulations is to provide policy and procedures for the administration of the low income home energy assistance program.  
[7-1-95, 11-1-95; 8.150.526.6 NMAC — Rn, 8 NMAC 22.LHP.000.6, 10-1-01]~~

~~8.150.526.7 — DEFINITIONS: [RESERVED]~~

~~8.150.526.8 — CRISIS INTERVENTION STANDARDS: Households must meet the current income standard to be eligible for a LIHEAP benefit. If a household is over the income standards and meets the crisis intervention requirements, HSD staff should explore the household's financial circumstances in the past 30 days. HSD takes into account any financial crises in the household that may have resulted in the household's inability to meet its utility or fuel expenses. In these cases, the household's net income, rather than gross income, may be considered to determine income eligibility for LIHEAP benefits.  
[7-1-95, 11-1-95, 11-15-96, 10-15-98, 10-1-00; 8.150.526.8 NMAC — Rn, 8 NMAC 22.LHP.526.1, 10-1-01]~~

~~8.150.526.9 — NET INCOME:~~

~~—— A. — Definition: Net income, for the purposes of LIHEAP policy, is not gross income minus deductions. Rather, it is gross income minus household emergency expenses incurred and paid in 30 days prior to the application date or the initial payment, during that period, of a bill resulting from a recent household emergency.~~

~~—— B. — Calculation: To determine the net income, subtract any allowable household emergency expenses from the household's gross income.~~

~~—— C. — No emergency expenses: If the household did not incur and pay household emergency expenses or an initial payment for a recent household emergency in the 30 days prior to the application date for LIHEAP benefits, gross income is to be used to make the determination of eligibility.~~

~~[7-1-95, 11-1-95, 11-15-96, 10-1-00; 8.150.526.9 NMAC — Rn, 8 NMAC 22.LHP.526.11, 10-1-01]~~

~~8.150.526.10 — HOUSEHOLD EMERGENCY EXPENSES:~~

~~—— A. — Definition: Household emergency expenses are defined as expenses incurred and paid by the household in the 30 days prior to the application date or the initial payment during that period of a bill resulting from a recent household emergency, such as:~~

~~—— (1) hospital, ambulance, doctor and dental bills;~~

~~—— (2) laboratory and other testing bills;~~

~~—— (3) prescriptions and non-prescription items ordered by a licensed health care professional; and~~

- ~~\_\_\_\_\_ (4) services provided or ordered by a licensed health care professional; or~~
  - ~~\_\_\_\_\_ (5) non-elective medical expenses.~~
  - ~~\_\_\_\_\_ B. Emergency medical expenses, such as:~~
    - ~~\_\_\_\_\_ (1) hospital bills; and~~
    - ~~\_\_\_\_\_ (2) ambulance bills;~~
  - ~~\_\_\_\_\_ C. expenses resulting from the death of a household member or other major household crisis; or~~
  - ~~\_\_\_\_\_ D. repair or replacement of the household's primary vehicle;~~
  - ~~\_\_\_\_\_ E. licensure exemption: Native American practitioners (medicine men), though not licensed by the state, are specifically recognized by HSD as health care providers under this policy.~~
- ~~{7-1-95, 11-1-95, 11-15-96, 10-1-00; 8.150.526.10 NMAC—Rn, 8 NMAC 22.LHP.526.12 & 13, 10-1-01; A, 10-01-06}~~

~~**8.150.526.11 VERIFICATION:** To be considered, the household must provide proof of the incurred expense(s) and proof of payment.~~

~~{7-1-95, 11-1-95, 11-15-96; 8.150.526.11 NMAC—Rn, 8 NMAC 22.LHP.526.14, 10-1-01}~~

**HISTORY OF 8.150.526 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center and Archives:

- ~~ISD 600.0000, Energy Assistance Programs, 11-12-82.~~
- ~~ISD 600.0000, Low Income Energy Assistance Program, 1-9-84.~~
- ~~ISD 710.0000, Energy Assistance Programs, 11-15-85.~~
- ~~ISD 620.0000, Crisis Intervention Assistance, 11-12-82.~~
- ~~ISD 620.0000, Energy Crisis Intervention Assistance, 12-27-83.~~
- ~~ISD 714.0000, Energy Crisis Intervention, 11-20-85.~~
- ~~ISD 630.0000, Program Administration, 11-12-82.~~
- ~~ISD 630.0000, Program Administration, 12-27-83.~~
- ~~ISD 715.0000, Administration of Energy Assistance Programs, 11-20-85.~~
- ~~ISD FA 710, Energy Assistance Programs, 12-5-89.~~
- ~~ISD CAS 700, Energy Assistance Program, 11-13-91.~~
- ~~ISD CAS 700, Energy Assistance Program, 11-10-92.~~
- ~~ISD/CACB/LHP 700, Low Income Home Energy Assistance Program, 5-6-94.~~
- ~~ISD/CACB/LHP 700, Low Income Home Energy Assistance Program, 7-28-94.~~

~~**History of Repealed Material:** [RESERVED]~~

**This is a proposed amendment to Sections 8 - 10 of 8.150.600 NMAC.**

**8.150.600.8 ~~[BENEFITS—ISSUANCE AND USE:]~~ VENDOR RESPONSIBILITIES:**

- A. Issuance of benefits: Benefits are issued in one of the three following methods:
- (1) client warrants: HSD issues benefits directly to clients through client warrants [~~when authorized by the LIHEAP director~~]; or
  - (2) vendor payments:
    - (a) HSD will provide the name and, when applicable, customer account number for the LIHEAP-eligible household to the vendor specified by the household. The vendor will notify HSD of mismatches within a specified time frame.
    - (b) Vendors who carry customer accounts will credit eligible households with the amount of the LIHEAP regular benefit no more than 30 days from the time of the payment. Vendors who provide fuel on demand will provide fuel to eligible households equal to the amount of the LIHEAP regular benefit no more than 30 days from the date of the eligible household's contact with the vendor to make arrangements for the provision of such fuel.
    - (c) Vendors may transfer excess LIHEAP benefits from the account originally credited to another account they have for the household. The vendor must document the transfer in a manner that meets generally accepted audit standards. In order to transfer LIHEAP funds, the following conditions must be met:
      - (i) the vendor must provide multiple utility services and/or bulk fuel; and
      - (ii) a credit remains on the originally credited account after current and delinquent charges are satisfied; and
      - (iii) the household approves the transfer; and
      - (iv) the utility or bulk fuel account that is credited is used by the household for their heating or cooling needs; or
    - (d) Vendors should transfer a LIHEAP benefit credit on an account that is closed after the credit is posted. The transfer must be to a new or existing account for the new residence of the recipient household. The vendor must document the transfer in a manner that meets generally accepted audit standards.
    - (e) Vendors may refund LIHEAP benefit credit to a household under certain circumstances when the household moves and/or will not have service with the company at their residence. The vendor must document the transfer in a manner that meets generally accepted audit standards.
    - (f) Vendors must refund LIHEAP benefit credits on closed accounts to HSD when the credit cannot be transferred to a new account and/or the household cannot be located.
  - (3) electronic benefit transfer account: LIHEAP benefits are deposited directly into the household's special account that may be:
    - (a) a cash account available to the household at ATMs and retail stores; or
    - (b) a special account for LIHEAP payments accessed at authorized utility vendors to pay for heating or cooling costs; the EBT card is used at a point of sale (POS) terminal at the utility company office or other retailers authorized to accept utility company payments.
- B. Benefit use: The recipient household is responsible for using the benefit for the purpose intended:
- (1) to purchase fuel, such as propane, wood, coal, kerosene, fuel oil or other unregulated fuels;
  - (2) to pay the household's utility charges, such as those for electric or natural gas services;
  - (3) to purchase gasoline and/or tools needed when a household gathers/cuts its own firewood;
  - (4) to pay a landlord for the utility costs that are included in the rent payment;
  - (5) to pay for a deposit obligation needed to initiate or continue service.

**8.150.600.9 STATE LIHEAP FUNDING**

- A. Purpose: To reduce the home heating and cooling costs of low-income New Mexicans.
- B. Benefits:
- (1) payments that assist low-income households to reduce the costs of home heating/cooling; or
  - (2) weatherization services for the homes of low-income households.

[8.150.610.8 NMAC - N, 10-01-07]

**8.150.600.10 FUND USES:** Unless specified by the New Mexico state legislature, the secretary of the human services department has the authority to specify the uses of the funding. Funding will be used for purposes similar to those allowed under the federal low income home energy assistance program.

**8.150.600.11 WINTER MORATORIUM ON UTILITY DISCONNECTION:** No utility shall discontinue or disconnect residential utility service for heating from November 15 through March 15 of the subsequent year for certain customers.

A. Administering authority: The human services department or a tribal entity that administers its own low income home energy assistance program are designated as the authorities to identify customers who meet the qualifications.

B. Qualification: Customers who meet the qualifications to receive assistance pursuant to the low-income home energy assistance program.

(1) The customer is a member of a household in which the total gross income is at or below 150% of the current federal poverty guidelines; or

(2) One or more of the household members:

(a) receive supplemental security income; or

(b) are eligible for any federally funded assistance program administered by ISD with income guidelines at or below 150% of the current federal poverty guidelines.

(3) The person in whose name a utility account is listed and the name of the public assistance recipient need not match in order for the customer to be entitled to protection under this section.

C. Proof of qualification:

(1) HSD generated approval notice for certain public assistance programs;

(2) computer generated notice from HSD;

(3) form completed by hand from a local ISD office;

(4) HSD generated data file listing qualified households;

(5) form completed by any agency charged with determining eligibility for a public assistance program; or

(6) HSD and a utility company/municipality may mutually agree on a method of notification.

This is a proposed repeal of 8.150.610 NMAC.

~~[TITLE 8 — SOCIAL SERVICES  
CHAPTER 150 — LOW INCOME HOME ENERGY ASSISTANCE PROGRAM  
PART 610 — GASOLINE AND HOME HEATING RELIEF FUND~~

~~8.150.610.1 — ISSUING AGENCY: New Mexico Human Services Department.  
[8.150.610.1 NMAC — N, 10-01-07]~~

~~8.150.610.2 — SCOPE: The rule applies to the general public.  
[8.150.610.2 NMAC — N, 10-01-07]~~

~~8.150.610.3 — STATUTORY AUTHORITY: 27 NMSA 1978 (1992 Repl.) provides for the department to “...adopt, amend and repeal bylaws, rules and regulations...”. It also provides for administration of public assistance programs. 27-6-18.1 designates HSD as one of the administering authorities regarding program eligibility.  
[8.150.610.3 NMAC — N, 10-01-07]~~

~~8.150.610.4 — DURATION: Permanent.  
[8.150.610.4 NMAC — N, 10-01-07]~~

~~8.150.610.5 — EFFECTIVE DATE: October 1, 2007, unless a later date is at the end of a section.  
[8.150.610.5 NMAC — N, 10-01-07]~~

~~8.150.610.6 — OBJECTIVE: The objective of the gasoline and home heating relief fund is to provide state general fund for the purposes of the LIHEAP program.  
[8.150.610.6 NMAC — N, 10-01-07]~~

~~8.150.610.7 — DEFINITIONS: [RESERVED]~~

~~8.150.610.8 — STATE LIHEAP FUNDING~~

- ~~— A. Purpose: To reduce the home heating and cooling costs of low income New Mexicans.  
— B. Benefits:  
— (1) payments that assist low income households to reduce the costs of home heating/cooling; or  
— (2) weatherization services for the homes of low income households.  
[8.150.610.8 NMAC — N, 10-01-07]~~

~~8.150.610.9 — FUND USES: Unless specified by the New Mexico state legislature, the secretary of the human services department has the authority to specify the uses of the funding. Funding will be used for purposes similar to those allowed under the federal low income home energy assistance program.  
[8.150.610.9 NMAC — N, 10-01-07]~~

~~8.150.610.10 — WINTER MORATORIUM ON UTILITY DISCONNECTION: No utility shall discontinue or disconnect residential utility service for heating from November 15 through March 15 of the subsequent year for certain customers.~~

- ~~— A. Administering authority: The human services department or a tribal entity that administers its own low income home energy assistance program are designated as the authorities to identify customers who meet the qualifications.  
— B. Qualification: Customers who meet the qualifications to receive assistance pursuant to the low income home energy assistance program.  
— (1) The customer is a member of a households in which one or more members:  
— (a) receive(s) supplemental security income; or  
— (b) are eligible for any federally funded assistance program administered by ISD with income guidelines at or below 150% of the current federal poverty guidelines; or  
— (c) reside in a household whose total gross income is at or below 150% of the current federal poverty guidelines.~~

~~\_\_\_\_\_ (2) The person in whose name a utility account is listed and the name of the public assistance recipient need not match in order for the customer to be entitled to protection under this section.~~

~~\_\_\_\_\_ C. Proof of qualification:~~

~~\_\_\_\_\_ (1) HSD generated approval notice for certain public assistance programs;~~

~~\_\_\_\_\_ (2) computer generated notice from HSD;~~

~~\_\_\_\_\_ (3) form completed by hand from a local ISD office;~~

~~\_\_\_\_\_ (4) HSD generated data file listing qualified households;~~

~~\_\_\_\_\_ (5) form completed by any agency charged with determining eligibility for a public assistance program; or~~

~~\_\_\_\_\_ (6) HSD and a utility company/municipality may mutually agree on a method of notification.~~

~~{8.150.610.10 NMAC - N, 10-01-07}~~

HISTORY OF 8.150.610 NMAC: [RESERVED]

**This is a proposed amendment of Section 11 of 8.150.620 NMAC.**

~~**8.150.620.11 — POINTS INFORMATION SOURCE:** The LIHEAP points guidelines are available from all human services department income support division offices, by writing to: Human Services Department LIHEAP P O Box 25607 Albuquerque NM 87125-6507, or by contacting the income support division customer service desk at 1-800-283-4465, or Relay New Mexico at 1-800-659-8331. If you are disabled and need the guidelines in an alternative format, please make the request when you contact us. The points guidelines are also located on the HSD income support division web site at <http://www.hsd.state.nm.us/pdf/LIHEAPPointGuidelines.pdf>.~~

**8.150.620.11 RETROACTIVE BENEFIT COVERAGE:** Households that were denied LIHEAP benefits or received a lesser benefit than they were entitled to but, as the result of an agency conference or fair hearing, are determined to be entitled to a benefit will be issued a retroactive benefit.