



Michelle Lujan Grisham, Governor
Kari Armijo, Secretary
Alex Castillo Smith, Deputy Secretary
Kathy Slater Huff, Deputy Secretary
Niki Kozlowski, Acting Deputy Secretary
Alanna Dancis, Acting Medicaid Director

On August 27, 2026, a Public Hearing was held for Health Care Authority Register (HCAR) Vol. 49 NO. 16, published on July 28, 2026, in Volume XXXVII, Issue 14. Public Comment was received via email on August 27, 2026 (see below). Response to follow in final HCAR.

From: [Jason Riggs](#)
To: [Pineda, Monica, HCA](#)
Cc: [Katy Anderson](#)
Subject: [EXTERNAL] Public Comment for State Funded Food Assistance Program
Date: Thursday, August 27, 2026 1:31:02 PM
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Here is Roadrunner Food Banks written comments for today's public hearing concerning the State Funded Assistance Program:

Roadrunner Food Bank wishes to recognize the New Mexico state legislature for the pro-active action taken during the special sessions last year. Since the passing of HR1 also known as the OBBBA, food banks and food pantries across the state have reported dramatic increases in visits from community members while SNAP participation continues to drop. In Roadrunner's core beliefs we state:

- Hunger is unacceptable
- Everyone deserves access to enough food
- We respect the dignity and equity of all

We will support any legislation that can help increase food security for people in New Mexico.

Jason Riggs

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August 27, 2026

Kari Armijo, Secretary
Health Care Authority
P.O. Box 2348
Santa Fe, NM 87504-2348

Via email: HCA-isdrules@hca.nm.gov

RE: New Mexico Register Vol. 49 No. 16

Dear Secretary Armijo:

Please accept the following comments on the New Mexico Health Care Authority's (HCA) proposed regulations regarding HCA's state funded food assistance program to provide one-time payments to immigrants who no longer qualify for SNAP.

The New Mexico Center on Law and Poverty is dedicated to advancing economic and social justice through education, advocacy, and litigation. We work with low-income New Mexicans to improve living conditions, increase opportunities, and protect the rights of people living in poverty. The Center represents many immigrant families who qualified for SNAP prior to the new limitations imposed by the 2025 federal reconciliation bill (HR 1).

General Comments

Hunger and poverty affect thousands of families in New Mexico. The 2025 federal reconciliation bill (HR 1) is fundamentally changing state SNAP programs and putting more households at risk of food insecurity. In particular, as of this year, many with humanitarian immigration statuses, including refugees and asylum seekers, can no longer receive federally funded SNAP because HR 1 denies them work authorization. Consequently, these families face heightened barriers to accessing enough food.

We applaud the New Mexico Legislature for appropriating funds during last year's special session to serve the needs of these immigrant families. While HCA's state funded program is currently limited by a lack of ongoing funds, we appreciate the work of HCA to implement this important nutrition program for those who do not qualify for the federal SNAP program. The fact that the Legislature has not yet added additional funding to this important

program is not a basis for HCA to unlawfully restrict the scope of the appropriation. We offer the following comments in the hope that HCA can better allocate available funds to eligible recipients and make the process for accessing state funded benefits as simple as possible.

NMAC 8.106.640: Objective

The stated objective of this rule is not in line with the intent of the Legislature when it made a \$12 million appropriation to continue nutrition benefits to lawfully present residents.¹ Specifically, the Legislature directed funds to “maintain the ~~minimum federal~~ supplemental nutrition assistance program benefit for lawfully present residents.”² (emphasis added). The objective stated in this proposed rule limits this program to one-time payments for lawfully present individuals³ and unlawfully narrows the scope of the authorizing legislation.

HCA can provide ongoing nutrition benefits to lawfully present residents so long as funds remain available. HCA includes a correct summary of its statutory authority to conduct public welfare functions, which includes creating and operating benefits programs using state funds.⁴ HCA’s choice to limit this program to one-time payments directly contradicts the appropriation language and legislative intent to maintain benefits. HCA’s unlawful and unnecessary limitation severely limits access to nutrition assistance for eligible families in desperate need.

HCA should amend the stated objective of the proposed rule, and subsequent provisions, to create an ongoing state funded nutrition benefits program for lawfully present residents excluded from federally funded SNAP.

NMAC 8.106.640: (A) Purpose & (C) Eligibility

The purpose and eligibility sections of the regulations further unnecessarily and unlawfully narrow which families can receive this benefit and will restrict access to immigrant families who should be eligible for this benefit. These sections are not aligned with the legislative intent behind the initial appropriation⁵ and add even more restrictions to those of the

¹ H.B. 1, 57th Leg., 1st Special Sess., § 4 (N.M. 2025), <https://www.nmlegis.gov/Sessions/25%20Special/final/HB0001.pdf>

² *Id.*

³ See Amended Rule HCAR Vol. 49 No. 16 at 2. (“The objective of the New Mexico state funded food assistance program is to provide households with a one-time state funded food assistance payment for lawfully present individuals who do not qualify for the supplemental nutrition assistance program (SNAP) under the Food and Nutrition Act of 2008.”)

⁴ See Amended Rule HCAR Vol. 49 No. 16 at 2. (“New Mexico Statutes Annotated 1978 (Chapter 27, Articles 1 and 2) authorize the state to administer the aid to families with dependent children (AFDC), general assistance (GA), shelter care supplement, the burial assistance programs and such other public welfare functions as may be assumed by the state.”)

⁵ See H.B. 1, 57th Leg., 1st Special Sess., § 4 (N.M. 2025).

objective section discussed above.⁶

Purpose: HCA’s proposed “purpose” says that the state funded nutrition benefits will be available to “lawfully present individuals who were receiving SNAP benefits and are currently ineligible solely due to due to [sic]⁷ changes in the treatment of their immigration status.”⁸ This excludes otherwise eligible lawfully present immigrants who were not receiving SNAP benefits at the time the eligibility rules changed. These individuals, who would be denied benefits if reapplying or applying for the first time, are similarly situated to the individuals who are eligible for the payments. However, these individuals who were not receiving SNAP benefits when the changes took effect would not be treated equally under the law. Moreover, the appropriation does not limit the program to only those people who previously received benefits. It directs HCA to “maintain” the availability of the “program benefit” for immigrant families, it does not say to provide the benefit only to those who were previously enrolled in the program.

The proposed purpose will exclude immigrants who would have been eligible for the payments but did not submit recertifications because they believed they were ineligible. Many immigrant communities have been flooded with information, both accurate and exaggerated, about the federal changes limiting their access to benefits. Many families would have been reasonably discouraged from taking considerable time to give personal information to a government office for benefits which they thought they would not receive. HCA should not bar households from one-time payment eligibility simply because they did not recertify or apply on time.

Eligibility: Similarly, the “eligibility” section of the proposed regulation extends this unlawful and unnecessary restriction and harms those individuals who were not receiving SNAP benefits or chose not to recertify based on a reasonable belief that they would no longer qualify.

The first of the three proposed eligibility criteria is that the recipient be a current SNAP recipient. As previously stated, HCA should not require that an eligible individual be currently receiving SNAP because to do so would unnecessarily exclude immigrants who did not previously apply for SNAP or who had not recertified but remained eligible.

The second eligibility criterion requires that a one-time payment recipient have submitted a timely recertification subsequent to the effective date of HR 1. As stated above, this would exclude eligible individuals who needed to submit new applications and it would likewise exclude those who reasonably chose not to renew based on the belief that they no longer qualified for benefits. This limitation is not stated in the appropriation, is unnecessary, and will

⁶ See Amended Rule HCAR Vol. 49 No. 16 at 2.

⁷ I have quoted this section as it appears in the notice of proposed rulemaking. I believe the drafter accidentally included the phrase “due to” an additional time.

⁸ See Amended Rule HCAR Vol. 49 No. 16 at 2.

be harmful to immigrants in New Mexico.

The third criterion requires that an individual have lost eligibility at recertification solely due to federally imposed immigration eligibility changes. This criterion correctly identifies the core reason for the underlying program (to serve immigrant families excluded from SNAP) but the use of the terms “solely” and “recertification” impose additional unlawful and unnecessary limitations, as discussed above.

Eligibility criteria should be simplified to better serve the intended population and to streamline program administration. Accordingly, the payments should be available to any new or returning applicants and current SNAP recipients who are denied benefits *if* they would have qualified for SNAP based on the eligibility criteria (with the understanding that income limits would be adjusted in line with annual increases) in place prior to the July 4, 2025, amendment to 7 USC § 2015(f). An alternative or additional eligibility criterion could be that if a household failed to recertify but was otherwise eligible for the one-time payments, they may submit a new application and receive the payment if they comply with the above criteria.

By making the recommended changes, HCA can make supplemental nutrition benefits available to the greatest number of households and comply with the appropriation language and legislative intent.

Thank you for considering these comments. Please let me know if you have any questions. I can be reached at marco@nmpovertylaw.org.

Sincerely,

/s/ Marco Alarid White

Marco Alarid White

Public Benefits Attorney

New Mexico Center on Law and Poverty