



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
MINIMUM SNAP/FOOD STAMP ALLOTMENT;

III. PROGRAMS AFFECTED

SNAP

IV. ACTION

TEMPORARY EMERGENCY AMENDMENTS

V. BACKGROUND

Each year the Human Services Department (HSD) is required to make changes to the SNAP income limits for participation, income eligibility standards, resource eligibility standards and deductions available to otherwise eligible households. These amounts are determined by United States Department of Agriculture (USDA), Food and Nutrition Services (FNS). HSD received notification of the adjusted amounts on July 28, 2017. The temporary emergency rule was implemented and effective for benefit month October 2017. To be in compliance with federal law HSD needs to update 8.139.610.12 D of the New Mexico Administrative Code (NMAC), to reflect the correct amount of the monthly minimum SNAP benefit amount which is part of the required annual changes. This amount was not updated in NMAC during the previous emergency rule publication or during the normal rulemaking process to finalize the permanent rule.

VI. CONCISE EXPLANATORY STATEMENT

The HSD is amending the rule to be in compliance with the federal law which would otherwise place HSD in violation. This temporary emergency process does not permanently amend or repeal the existing rule. The emergency rule will only remain in effect until a permanent rule takes effect under normal rule making process. The rule will be amended under the following statutory authority:

Under the statutory authority of the food stamp program as authorized by the Food Stamp Act of 1977 as amended (7 U.S.C. 2011 et. seq.). Regulations issued pursuant to the act are contained in 7 CFR Parts 270-282. State authority for administering the food stamp program is contained in Chapter 27 NMSA, 1978. Administration of the Human Services Department (HSD), including its authority to promulgate regulations, is governed by Chapter 9, Article 8, NMSA 1978 (Repl. 1983).

Findings required by a provision of law for adoption of the rule:

- Adoption of this temporary emergency rule is required to make changes to the minimum SNAP allotment to otherwise eligible households in order for the HSD to be in compliance with federal law.

VII. EFFECTIVE DATE

April 1, 2018

VIII. PUBLICATION

Publication of these emergency amendments approved on

March 8, 2018 by:



BRENT EARNEST, SECRETARY
HUMAN SERVICES DEPARTMENT

Explanatory note: HSD will be issuing a temporary emergency rule which was implemented and effective for benefit month October, 2017. HSD is amending the rule to be in compliance with the federal law which would otherwise place HSD in violation. This temporary emergency process does not permanently amend or repeal the existing rule. The emergency rule will only remain in effect until a permanent rule takes effect under normal rule making process.

This is an emergency amendment to 8.139.610, Section 12, effective 04/01/2018.

8.139.610.12 GENERAL (BENEFIT AMOUNT)

A. The SNAP benefit amount to be issued depends on the number of eligible members in the household and the net monthly income used to determine eligibility.

(1) HSD uses a 30-day calendar month to determine a household's SNAP benefit amount. A household applying on the 31st of the month will be treated as if it applied on the 30th.

(2) When a household is determined eligible, the SNAP benefit amount is calculated, issuance authorization is processed that night, and SNAP benefits are issued the following work day.

B. Maximum food stamp benefit amount:

(1) The maximum food stamp allotment (MFSA or maximum food stamp benefit amount) "means the diet required to feed a family of four persons consisting of a man and a woman 20 through 30 years of age, a child six through eight years of age, and a child nine through 11 years of age determined in accordance with USDA calculations". The cost of such a diet is the basis for determining uniform SNAP benefit amounts for all households regardless of their actual composition. To develop maximum SNAP benefit amounts, USDA makes adjustments in the MFSA taking into account economies of scale and other adjustments required by law.

(2) Except when SNAP benefits are prorated and when reductions are made at the national level, a household's monthly SNAP benefit amount is equal to the MFSA for the household's size reduced by thirty percent of its net monthly income. The basis of issuance tables (supplement 400-B) contain the maximum SNAP benefit amounts by household size and income.

(3) If the tables (supplement 400-B) are not used, the maximum SNAP benefit amount can be calculated by multiplying a household's net income by thirty percent, rounding the result up to the next whole dollar, and subtracting that amount from the MFSA for the appropriate household size (Subsection E of 8.139.500.8 NMAC).

C. Initial month: A household's SNAP benefit amount for the initial month of certification will be based on the day of the month the household applies for SNAP benefits. The household receives SNAP benefits from the date of application to the end of the month, unless the applicant household consists of residents of a public institution.

(1) **Applying from institutions:** For households applying for SSI and SNAP benefits before release from an institution, the SNAP benefit amount for the initial month of certification will be based on the date of the month the household is released from the institution. The household will receive SNAP benefits from the date of the household's release from the institution to the end of the month.

(2) **Benefits less than \$10:** If the initial month's calculations yield a SNAP benefit amount of less than \$10, then no issuance will be made for the initial month. For households entitled to no SNAP benefits in the initial month, but eligible in subsequent months, the caseworker shall certify a household beginning with the month of application.

D. Minimum benefit amount:

(1) Except during an initial month, all eligible one- and two-person households, including categorically eligible households, will receive a minimum monthly SNAP benefit amount [of \$16.00].

(2) ~~[All eligible households with three or more members entitled to \$1.00, \$3.00, and \$5.00 SNAP benefit amounts will receive SNAP benefit amounts of \$2.00, \$4.00, and \$6.00, respectively, to correspond with current coupon book denominations.]~~ **Determination:** Minimum amounts are determined by federal guidelines and may be adjusted each year. All eligible one and two person households, including categorically eligible households, will receive the minimum monthly SNAP benefit amount, which can be found at <https://www.fns.usda.gov/snap/cost-living-adjustment-cola-information>.

[02/01/95, 07/01/98; 8.139.610.12 NMAC - Rn, 8 NMAC 3.FSP.620, 05/15/2001; A, 02/28/2007; A/E, 04/01/2009; A, 07/15/2013; A/E, 04/01/2018]