



STATE OF NEW MEXICO
HUMAN SERVICES DEPARTMENT

HUMAN SERVICES REGISTER

I. DEPARTMENT

HUMAN SERVICES DEPARTMENT

II. SUBJECT

REGULATORY AMENDMENTS FOR ASPEN

III. PROGRAMS AFFECTED

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)

IV. ACTION

PROPOSED REGULATION

V. BACKGROUND

The New Mexico Human Services Department is proposing amendments to 8.139 and to update the regulations to reflect the technological abilities within the Automated System Program and Eligibility Network (ASPEN) and Your Eligibility System New Mexico (YES NM). The Department is adding definitions of notice, signature and electronic case file.

Additionally, the Department is proposing clarifying language regarding Student Eligibility for SNAP based on federal definitions and clarifications.

VI. PROPOSED REGULATIONS

This register and proposed regulations are available on the Human Services Department website at <http://www.hsd.state.nm.us/isd/ISDRegisters.html>. If you do not have Internet access, a copy of the proposed regulations may be requested by contacting Income Support Division Policy and Program Development Bureau at 827-7219.

VIII. PUBLIC HEARING

A public hearing to receive testimony on this regulation will be held on June 14, 2013 from 10:00 a.m. to 11:00 a.m. The hearing will be held at the Income Support Division Conference Room at Pollon Plaza, 2009 S. Pacheco St., Santa Fe, NM 87505. The

Conference room is located in room 120 on the lower level. Individuals wishing to testify may contact the Income Support Division, P.O. Box 2348, Santa Fe, NM 87504-2348, or by calling toll free 1-800-432-6217.

If you are a person with a disability and you require this information in an alternative format, or you require a special accommodation to participate in any HSD public hearing, program, or service, please contact the New Mexico Human Services Department toll free at 1-800-432-6217, in Santa Fe at 827-9454, or through the New Mexico Relay system, toll free at 1-800-659-8331. The Department requests at least a 10-day advance notice to provide requested alternative formats and special accommodations.

IX. ADDRESS

Interested persons may address written or recorded comments to:

Sidonie Squier, Secretary
Human Services Department
P.O. Box 2348 Pollon Plaza
Santa Fe, NM 87504-2348

Interested persons may also address comments via electronic mail to:

Vida.Tapia-Sanchez@state.nm.us

X. PUBLICATION

Publication of these proposed regulations approved on 4/11/13 by:

Sidonie Squier
SIDONIE SQUIER, SECRETARY
HUMAN SERVICES DEPARTMENT

This is proposed amendment to 8.139.100 NMAC, Sections 7 and 8.

8.139.100.7 DEFINITIONS:

A. Definitions A-L:

(1) **Adequate notice:** means a written notice sent by mail or electronically that includes a statement of the action HSD has taken or intends to take, reason for the action, household right to a fair hearing, name of the individual to contact for additional information, the availability of continued benefits liability of the household for any overissuances received if hearing decision is adverse to the household. An adequate notice may be received prior to an action to reduce benefits, or at the time reduced benefits will be received, or if benefits are terminated, at the time benefits would have been received if they had not been terminated. In all cases, participants have 13 days from the mailing or electronic distribution date of the notice to request that benefits be restored to their previous level pending the outcome of an administrative hearing.

(2) **Adjusted net income:** means the household's gross monthly income less the standard deduction, earned income deduction, dependent care deduction and the shelter deduction. (Medical expenses are allowed for certain eligible members as a deduction from their gross income). ~~[30 percent of this amount subtracted from the MFSA for the household's size is its benefit amount.]~~

(3) **Application:** means a ~~[written]~~ request, on the appropriate ISD form, ~~[signed by or on behalf of an individual or family, for assistance]~~ submitted in a written or electronic format with the signature of the applicant or on the applicant's behalf by an authorized representative, for assistance.

(4) **Annual reporting:** ~~[means]~~ is a reporting requirement [that allows a] where the SNAP household is placed on a 24-month certification period and requires [a] the household to submit a report in the twelfth month of the certification period. [During the certification period, a household on annual reporting is only required to report when the household's income reaches or exceeds 130 percent of the federal poverty guideline for the size of the household.]

(5) **Attendant:** means an individual needed in the home for medical, housekeeping, or child care reasons.

(6) **Authorized representative:** means an individual designated by a household or responsible member to act on its behalf in applying for ~~[food stamp]~~ SNAP benefits, obtaining ~~[food stamp]~~ SNAP benefits, or using ~~[food stamp]~~ SNAP benefits to purchase food for the household. This can include a public or private, nonprofit organization or institution providing assistance, such as a treatment or rehabilitation center or shelter which acts on behalf of the resident applicant.

(7) **Benefit month:** means the month for which ~~[food stamp]~~ SNAP benefits have been issued. This term is synonymous with issuance month defined below.

(8) **Beginning month:** means the first month for which a household is certified after a lapse in certification of at least one calendar month ~~[in any project area]~~. Beginning month and initial month are used interchangeably. A household is budgeted prospectively in a beginning month. ~~[A beginning month is also an initial month.]~~

(9) **Boarder:** means an individual to whom a household furnishes lodging and meals for reasonable compensation. Such a person is not considered a member of the household for determining the ~~[food stamp]~~ SNAP benefit amount.

(10) **Boarding house:** means a commercial establishment, which offers meals and lodging for compensation with the intention of making a profit. The number of boarders residing in a boarding house is not used to establish if a boarding house is a commercial enterprise.

(11) **Budget month:** means the calendar month for which income and other circumstances of the household are determined in order to calculate the ~~[food stamp]~~ SNAP benefit amount. During the beginning month of application, prospective budgeting shall be used and therefore, the budget month and the issuance month are the same.

(12) **Capital gains:** means proceeds from the sale of capital goods or equipment.

(13) **Categorical eligibility (CE):** means a ~~[food stamp]~~ SNAP household that meets one of the following conditions ~~[is considered to be CE and have limited eligibility requirements].~~

(a) **Financial CE:** Any ~~[food stamp]~~ SNAP household in which all members receive Title IV-A assistance (TANF), general assistance (GA), or supplemental security income (SSI) benefits is considered to be categorically eligible for ~~[food stamp]~~ SNAP benefits.

(b) **Broad-based CE:** Any ~~[food stamp]~~ SNAP household, in good standing, in which at least one member is receiving a non-cash TANF/MOE funded benefit or service and household income is below 165% FPG.

(14) Cash assistance (CA) households: (also referred to as financial assistance) means households composed entirely of persons who receive CA payments. Cash assistance (CA) means any of the following programs authorized by the Social Security Act of 1935, as amended: old age assistance; temporary assistance to needy families (TANF); aid to the blind; aid to the permanently and totally disabled; and aid to the aged, blind or disabled. It also means general assistance (GA), cash payments financed by state or local funds made to adults with no children who have been determined disabled, or to children who live with an adult who is not related. CA households composed entirely of TANF, GA or SSI recipients are categorically eligible for ~~[FS]~~ SNAP.

(15) Certification: means the authorization of eligibility of a household and issuance of ~~[food stamp]~~ SNAP benefits.

(16) Certification period: means the period assigned for which a ~~[households]~~ household is eligible to receive ~~[food stamp]~~ SNAP benefits. The certification period shall conform to calendar months and includes the requirement for the completion of an interim report to be completed in the sixth month for semi-annual reporting households and the twelfth month for annual reporting households.

(17) Collateral contact: means an individual or agency designated by the household to provide information concerning eligibility.

(18) Communal diner: means an individual sixty (60) years of age or over who is not a resident of an institution or a boarding house, who is living alone or with a spouse, and elects to use ~~[food stamp]~~ SNAP benefits to purchase meals prepared for the elderly at a communal dining facility which has been authorized by USDA/FNS to accept ~~[food stamp]~~ SNAP benefits.

(19) Communal dining facility: means a public or ~~[private]~~ nonprofit private establishment, approved by FNS, which prepares and serves meals for elderly persons, or for SSI recipients, and their spouses; a public or private nonprofit establishment (eating or otherwise) that feeds elderly persons or SSI recipients and their spouses, and federally subsidized housing for the elderly at which meals are prepared for and served to the residents. It also includes private establishments that contract with an appropriate state or local agency to offer meals at concession prices to elderly persons or SSI recipients and their spouses. Such establishments include a facility such as a senior citizen's center, an apartment building occupied primarily by elderly persons, or any public or private nonprofit school (tax exempt) which prepares and serves meals for elderly persons.

(20) Conversion factor: ~~[means anticipated monthly income received on a weekly or bi-weekly basis shall be converted to a monthly amount]~~ means the calculation used to convert income that is received on a weekly or biweekly basis to an anticipated monthly amount.

(21) Date of application: means the date an application is received by the income support division offices during regular business hours. Applications that are dropped off or submitted electronically after regular business hours will be considered received as of the next business day.

~~[(21)]~~ **(22) Date of admission:** means the date established by the ~~[immigration and naturalization service]~~ United States citizenship and immigration services as the date an alien (or sponsored alien) was admitted for permanent residence.

~~[(22)]~~ **(23) Date of entry:** means the date established by the ~~[immigration and naturalization service]~~ United States citizenship and immigration services as the date an alien (or sponsored alien) was admitted for permanent residence.

~~[(23)]~~ **(24) Disability:** means the inability to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment.

~~[(24)]~~ **(25) Disabled member:** see ~~[elderly/disabled]~~ elderly or disabled member.

~~[(25)]~~ **(26) Documentation:** means a written statement entered in the paper or electronic case record regarding the type of verification used and a summary of the information obtained to determine eligibility.

~~[(26)]~~ **(27) Drug addiction or alcoholic treatment and rehabilitation program:** means any drug addiction treatment or alcoholic treatment and rehabilitation program conducted by a private, nonprofit organization or institution, or a publicly operated community mental health center under part B of title XIX of the Public Health Service Act (42 U.S.C. 3004 et seq.)

~~[(27)]~~ **(28) Elderly or disabled member:**

(a) **Elderly:** means an individual 60 years or older.

(b) **Disabled:** means a person who meets any of the following standards:

(i) receives supplemental security income (SSI) under title XVI of the Social Security Act or disability or blindness payments under titles I, II, X, XIV, or XVI of the Social Security Act;

(ii) receives federally or state administered supplemental benefits under section 1616a of the Social Security Act, provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under title XVI of the Social Security Act;

(iii) receives federally or state administered supplemental benefits under section [212(a)] 211(a) of Pub. L. 93-66, supplemental security income benefits for essential persons;

(iv) receives disability retirement benefits from a government agency (e.g. civil service, ERA, and PERA) because of a disability considered permanent under section 221(i) of the Social Security Act;

(v) is a veteran with a service-connected or non-service connected disability rated by the veterans administration (VA) as total or paid as total by the VA under title 38 of the United States ~~code~~ Code;

(vi) is a veteran considered by the VA to be in need of regular aid and attendance or permanently homebound under title 38 of the United States code;

(vii) is a surviving spouse of a veteran and considered by the VA to be in need of regular aid and attendance or permanently homebound or a surviving child of a veteran and considered by the VA to be permanently incapable of self-support under title 38 of the United States code;

(viii) is a surviving spouse or surviving child of a veteran and considered by the VA to be entitled to compensation for service-connected death or pension benefits for a non-service-connected death under title 38 of the United States code and has a disability considered permanent under section 221(i) of the Social Security Act ("entitled" as used in this definition refers to those veterans' surviving spouses and surviving children who are receiving the compensation or pension benefits stated, or have been approved for such payments, but are not yet receiving them); or

(ix) receives an annuity payment under section 2(a)(1)(iv) of the Railroad Retirement Act of 1974 and is determined to be eligible to receive medicare by the railroad retirement board, or section 2(a)(i)(v) of the Railroad Retirement Act of 1974 and is determined to be disabled based upon the criteria used under title XVI of the Social Security Act;

(x) is a recipient of interim assistance benefits pending the receipt of supplemental security income, a recipient of disability related medical assistance under title XIX of the Social Security Act, or a recipient of disability-based state general assistance benefits provided that the eligibility to receive any of these benefits is based upon disability or blindness criteria established by the state agency which are at least as stringent as those used under title XVI of the Social Security Act (as set forth at 20 CFR part 416, subpart I, Determining Disability and Blindness as defined in Title XVI).

~~[(28)]~~ **(29) Eligible foods:** means:

(a) any food or food product intended for human consumption except alcoholic beverages, tobacco, and hot foods and hot-food products prepared for immediate consumption;

(b) seeds and plants to grow foods for the personal consumption of eligible households;

(c) meals prepared and delivered by an authorized meal delivery service to households eligible to use ~~[food stamp]~~ SNAP benefits to purchase delivered meals, or meals served by an authorized communal dining facility for the elderly, for SSI households, or both, to households eligible to use ~~[food stamp]~~ SNAP benefits for communal dining;

(d) meals prepared and served by a drug addict or alcoholic treatment and rehabilitation center to eligible households;

(e) meals prepared and served by a group living arrangement facility to residents who are blind or disabled as found in the definition of "elderly or disabled member" contained in this section;

(f) meals prepared and served by a shelter for battered women and children to its eligible residents; and

(g) in the case of homeless ~~[food stamp]~~ SNAP households, meals prepared and served by an authorized public or private nonprofit establishment (e.g. soup kitchen, temporary shelter) approved by HSD that feeds homeless persons.

~~[(29)]~~ **(30) Encumbrance:** means debt owed on property.

~~[(30)]~~ **(31) Equity value:** means the fair market value of property, less any encumbrances owed on the property.

~~[(31)]~~ **(32) Excluded household members:** means individuals residing within a household who are excluded when determining household size, the ~~[food stamp]~~ SNAP benefit amount or the appropriate ~~[MFSA]~~ maximum food stamp allotment (MFSA). These include ineligible aliens, individuals disqualified for failure to provide an SSN~~[, or failure]~~ or to comply with the work requirements, and those disqualified for intentional program violation. The resources and income (counted in whole or in part) of these individuals shall be considered available to the remaining household members. ~~[(See non-household members).]~~

~~[(32)]~~ **(33) Expedited services:** means the process by which households reporting little or no income or resources shall be provided an opportunity to participate in the FSP, no later than the seventh calendar day following the date the application was filed.

~~[(33)]~~ **(34) Expungement:** means the permanent deletion of ~~[food stamp]~~ SNAP benefits from an EBT account that is stale.

~~[(34)]~~ **(35) Fair hearing:** an administrative procedure during which a claimant or the claimant's representative may present a grievance to show why he/she believes an action or proposed action by HSD is incorrect or inaccurate.

~~[(35)]~~ **(36) Fair market value (FMV):** means the amount an item can be expected to sell for on the open market. ~~[The prevailing rate of return, such as square foot rental for similar usage of real property in an area.]~~

~~[(36)]~~ **Financial assistance (FA) households:** (also referred to as cash assistance) means households composed entirely of persons who receive FA payments. ~~Financial assistance (FA) means any of the following programs authorized by the Social Security Act of 1935, as amended: old age assistance; temporary assistance to needy families (TANF); aid to the blind; aid to the permanently and totally disabled; and aid to the aged, blind or disabled. It also means general assistance (GA), cash payments financed by state or local funds, made to adults with no children who have been determined disabled, or to children who live with an adult who is not related. FA households composed entirely of TANF, GA or SSI recipients are categorically eligible for FS.]~~

(37) FNS: means the food and nutrition service of the United States department of agriculture (USDA).

(38) Food Stamp Act: the Food and Nutrition Act of 2008, and subsequent amendments.

(39) Fraud: ~~[the elements of fraud are:~~

~~_____ (a) intentionally taking anything of value;~~

~~_____ (b) intentionally making a misrepresentation of, or failing to disclose, a material fact: with the knowledge that such a fact is material (necessary to determine initial/ongoing eligibility or benefit entitlement); and with the knowledge that the information is false; and with the intent that the information be acted upon (deceive/cheat); with reasonable reliance on the person who hears the information to accept it as the truth.~~

~~_____ (c) In determining whether there is a "reasonable suspicion" of client fraud, particular attention shall be given to the client's intent in providing false information or withholding information. The law requires that the client acted intentionally in giving or withholding information, and with the further specific intent to deceive or cheat.~~

~~_____ (d) The materiality of the information in question is determined by whether the information was necessary to determine eligibility or benefit amounts. However, the client must have knowledge that the information is material to the client's eligibility or benefit amount.~~

~~_____ (e) In order to establish a "reasonable suspicion" of client fraud, there must be identifiable objective factors indicating that there is a possibility of fraud in the case. This means that there must be more than a "hunch". However, it is not necessary for the caseworker to make a determination that fraud has been actually committed.]~~

(40) Full time employment [(FS)]: means working thirty (30) hours or more per week, or earning income equivalent to the federal minimum wage multiplied by 30 hours.

(41) General assistance (GA) households: means a household in which all members receive cash assistance financed by state or local funds.

(42) Gross income: means the total amount of income that a household is entitled to receive before any voluntary or involuntary deductions are made, such as, but not limited to, federal and state taxes, FICA, garnishments, insurance premiums (including medicare), and monies due and owing the household, but diverted by the provider. Gross income does not include specific income exclusions, such as, but not limited to, the cost of producing self-employment income, and income excluded by federal law.

(43) Group living arrangements: means a residential setting that serves no more than sixteen residents that is certified by DOH under regulations issued under section 1616(e) of the Social Security Act, or under standards determined by the secretary to be comparable to standards implemented by appropriate state agencies under section 1616(e) of the Social Security Act. To be eligible for ~~[food stamp]~~ SNAP benefits, a resident shall be living in a public or private non-profit group living arrangement and must be blind or disabled as defined in the definition of "elderly or disabled member" set forth at (i) through (x) of Subparagraph (b) of Paragraph (25) of Subsection A of 8.139.100.7 NMAC.

(44) Head of household: the household is the basic assistance unit for the ~~[food stamp]~~ SNAP program. The household has the right to select the head of household in accordance with ~~[the]~~ CFR 273.1 (d).

(45) Homeless individual: means an individual who lacks a fixed and regular nighttime residence, or an individual whose primary nighttime residence is:

(a) a supervised shelter providing temporary accommodations (such as a welfare hotel or congregate shelter);

(b) a halfway house or similar institution providing temporary residence for individuals intended to be institutionalized;

(c) a temporary accommodation for no more than 90 days in the residence of another individual, beginning on the date the individual moves into the temporary residence; or

(d) a place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings (e.g. a hallway, a bus station, a lobby or similar ~~[places]~~ places).

(46) **Homeless meal provider:** means a public or private nonprofit establishment, (e.g., soup kitchen, temporary shelter), approved by an appropriate state agency, that feeds homeless persons.

(47) **Immigrant:** means a lawfully admitted alien who entered the U.S. with the expressed intention of establishing permanent residence as defined in the federal act.

~~[(48) **Immigration and naturalization service (INS):** a division of the U.S. department of justice.]~~

~~_____~~ (49) **Ineligible alien:** means an individual who does not meet the eligible alien requirements or who is not admitted for permanent residence.

(50) **Income:** means all monies received by the household from any source, excluding only the items specified by law or regulation. Income is also defined as any monetary gain or benefit to the household.

(51) **Income and eligibility verification system:** means a system of information acquisition and exchange for purposes of income and eligibility verification which meets the requirements of section 1137 of the Social Security Act, referred to as IEVS.

(52) **Initial month:** means the first month for which a first-time household is certified for participation in ~~[the food stamp program]~~ SNAP. An initial month is also a month in which a household is certified following a break in participation of one calendar month or longer. For migrant or seasonal farm worker households, an initial month shall only be considered if there has been an interruption in certification of at least one calendar month.

(53) **Inquiry:** means a request for information about eligibility requirements for a cash, medical, or food assistance program that is not an application[-] (although the inquiry may be followed by an application).

(54) **Institution of higher education:** ~~[means any institution which normally requires a high school diploma or equivalency certificate for enrollment, including, but not limited to, colleges, universities, and vocational or technical schools at the post high school level]~~ means certain college-level institutions, such as vocational schools, trade schools, and career colleges, that award academic degrees or professional certifications.

(55) **Institution of post-secondary education:** means ~~[an institution of post secondary education and]~~ any public or private educational institution that normally requires a high school diploma or equivalency certificate for enrollment, or that admits persons who are beyond the age of compulsory school attendance in the state in which the institution is located regardless of the high school prerequisite, provided that the institution is legally authorized or recognized by the state to provide an educational program beyond secondary education in the state or provides a program of training to prepare students for gainful employment.

(56) **Irrevocable trust ~~[funds]~~:** means an arrangement to have monies held by one person for the benefit of another that cannot be revoked.

(57) **Issuance month:** means the calendar month for which ~~[food stamps are]~~ SNAP is issued. In prospective budgeting, the budget and issuance months are the same. In retrospective budgeting, the issuance month follows the budget month.

(58) **Low-income household:** means a household whose annual income does not exceed 125 percent of the office of management and budget poverty guideline.

B. Definitions M-Z:

(1) **Maintenance of effort (MOE):** means the amount of general funds the state agency must expend annually on the four purposes of ~~[TANF]~~ temporary assistance for needy families (TANF) to meet a minimum expenditure requirement based on a ~~[states]~~ state's historical ~~[AFDC]~~ assistance to families with dependent children (AFDC) expenditures.

(2) **Maximum food stamp allotment (MFSA):** means the cost of a the diet required to feed a family of four persons consisting of a man and a woman 20 through 50, a child six through eight, and a child nine through 11 years of age. The cost of such a diet shall be the basis for uniform ~~[food stamp]~~ SNAP benefit amounts for all households, regardless of their actual composition. In order to develop maximum ~~[food stamp]~~ SNAP benefit amounts, the USDA makes adjustments for household size taking into account the economies of scale and other adjustments as required by law. The MFSA is used to determine if a boarder is paying reasonable compensation for services. The maximum ~~[food stamp]~~ SNAP allotment (MFSA) was previously named the thrifty ~~[good]~~ food plan (TFP).

(3) **Meal delivery service:** means a political subdivision, a private nonprofit organization, or a

private establishment with which a state or local agency has contracted for the preparation and delivery of meals at concession prices to elderly persons, and their spouses, and to the physically or mentally handicapped, and to persons otherwise disabled, and their spouses, such that they are unable to adequately prepare all of their meals.

(4) **Medicaid:** medical assistance under title XIX of the Social Security Act, as amended.

(5) **Migrant/migrant household:** means an individual who travels away from home on a regular basis with a group of laborers to seek employment in an agriculturally related activity. A migrant household is a group that travels for this purpose.

(6) **Mixed households:** means those households in which some but not all of the members receive cash assistance benefits.

(7) **Net monthly income:** means gross nonexempt income minus the allowable deductions. It is the income figure used to determine eligibility and ~~[food stamp]~~ SNAP benefit amount.

(8) **Non-cash assistance (NCA) households:** means any household, which does not meet the definition of a cash assistance household, including households composed of both cash assistance and NCA members (mixed household). Same as non-financial households (NFA).

(9) **Non-cash TANF/MOE benefit or service:** means non-cash TANF/MOE benefit or services include programs or services that do not provide cash to recipients, but are funded by the TANF program, either by the federal TANF block grant or the state MOE share. These services may include transportation, childcare, counseling programs, parenting programs, pamphlets or referrals to other TANF/MOE-funded services.

(10) **Non-financial assistance (NFA) households:** means any household, which does not meet the definition of a financial assistance household, including households composed of both cash assistance and NFA members (mixed household). ~~[Same]~~ NFA has the same meaning as non-cash households (NCA).

(11) **Nonhousehold members:** means persons residing with a household who are specifically excluded by regulation from being included in the household certification, and whose income and resources are excluded. Nonhousehold members include roomers, boarders, attendants, and ineligible students. Included in this classification are institutionalized household members such as children attending school away from home and members who are hospitalized or in a nursing home.

(12) **Notice:** means written correspondence that is generated by any method including handwritten, typed or electronic, delivered to the client or an authorized representative by hand, U.S. mail, professional delivery or by any electronic means. The term "written notice" and "notice" are used interchangeably.

(13) **Notice of adverse action (NOAA):** means a notice informing the household that an action is being taken by the department that adversely affects eligibility or the amount of benefits a household receives, including withholding, suspending, reducing or terminating benefits. The NOAA shall be issued to the household before taking the adverse action. Benefits will not be reduced until 13 days from the date on the adverse action. If the 13th day falls on a weekend or holiday, the next working day is counted as the last day of the 13-day adverse action period.

~~[(12)]~~ (14) **Overissuance:** means the amount by which ~~[food stamp]~~ SNAP benefits issued to a household exceed the amount the household was eligible to receive.

~~[(13)]~~ (15) **Period of intended use:** means the month in which the benefits are issued if issued before the 20th of the month. For benefits issued after the 20th of the month, the period of intended use is the rest of the month and the following month.

~~[(14)]~~ (16) **Principal wage earner:** means the household member with the greatest amount of earned income in the two months preceding a determination that a program rule has been violated. This applies only if the employment involves 20 hours or more a week or pays wages equivalent to the federal minimum wage multiplied by 20 hours. In making this evaluation, the entire household membership shall be considered, even those who are excluded or disqualified but whose income must be counted for eligibility and benefit amount determination. For purposes of determining noncompliance with the ~~[food stamp]~~ SNAP work requirements, including employment and training components, voluntary quit, and work-fare, the head of household is the principal wage earner unless the household has selected an adult parent of children (of any age) or an adult with parental control over children (under age 18) as the designated head of household as agreed upon by all adult members of the household. A person of any age shall not be considered the principal wage earner if ~~[they are]~~ the person is living with a parent or person fulfilling the role of parent~~[, if]~~ or the parent or parent-substitute is:

- (a) registered for employment;
- (b) exempt because of Title IV compliance;
- (c) in receipt of UCB or is registered as part of the UCB process; or
- (d) employed or self-employed a minimum of 30 hours a week or receiving income at the federal minimum hourly rate multiplied by 30 hours.

~~[(15)]~~ **Project area:** means the county office or similar political subdivision designated as the unit for FSP operations.]

~~[(16)]~~ **(17) Prospective budgeting:** means the computation of a household's eligibility and benefit amount based on a reasonable estimate of income and circumstances that will exist in the current month and future months.

~~[(17)]~~ **(18) Quality control (QC):** ~~[federally mandated]~~ means the federal mandate, as part of the performance reporting system whereby each state agency is required to review a sample of active cases for eligibility and benefit issuance, and to review a sample of negative cases for correct application of policy. The objectives are to determine a state's compliance with the Food Stamp Act and CFR regulations, and to establish the basis for a state's error rate, corrective action to avoid future errors, and liability for errors in excess of national standards, or eligibility for enhanced federal funding if the error rate is below national standards.

~~[(18)]~~ **(19) Real property:** means land, buildings, and whatever is built on or affixed to the land.

~~[(19)]~~ **(20) Recipient:** means a person receiving ~~[food stamp]~~ SNAP benefits. ~~[(same as a participant.)]~~ Recipient is the same as participant.

~~[(20)]~~ **(21) Refugee:** means a lawfully admitted individual granted conditional entry into the U.S.

~~[(21)]~~ **(22) Reasonable compensation:** means a boarder payment~~[, in cash, equivalent to]~~ amount that equals or exceeds the MFSA for the number of boarders.

~~[(22)]~~ **(23) Regular reporting:** means a reporting requirement in which a household is not required to meet semiannual reporting requirements, ~~[and]~~ but must report a financial or non-financial change within ten days of the date the change becomes known to the household.

(a) A financial change becomes known to the household when the household receives the first payment attributed to an income or resource change, or when the first payment is made for an allowable expense.

(b) A non-financial change, including but not limited to, a change in household composition or a change in address, becomes known to the household on the date the change takes place.

~~[(23)]~~ **(24) Retail food store:** means:

(a) an establishment or recognized department of an establishment, or a house-to-house trade route, whose eligible food sales volume, as determined by visual inspection, sales records, purchase records, or other inventory or accounting record keeping methods that are customary or reasonable in the retail food industry, is more than 50 percent staple food items for home preparation and consumption;

(b) public or private communal dining facilities and meal delivery services; private nonprofit drug addict or alcoholic treatment and rehabilitation programs; publicly operated community mental health centers which conduct residential programs for drug addicts or alcoholics;

(c) public or private nonprofit group living arrangements, or public or private nonprofit shelters for battered women and children, or public or private nonprofit establishments, approved by HSD, or a local agency, that feed homeless persons;

(d) any private nonprofit cooperative food purchasing venture, including those whose members pay for food prior to receipt of the food; a farmer's market.

~~[(24)]~~ **(25) Retrospective budgeting:** means the computation of a household's benefits for an issuance month based on actual income and circumstances that existed in the previous month, the "budget" month.

~~[(25)]~~ **(26) Self-employed:** means an individual who engages in a self-managed enterprise for the purpose of providing support and income and who does not have the usual withholding deducted from this income. ~~[The individual is]~~ Self-employed individuals are not eligible to draw UCB by virtue of their job efforts.

~~[(26)]~~ **(27) Semiannual reporting:** means a reporting requirement that allows a 12-month certification period and requires a household to submit a report in the sixth month of the certification period. ~~[During the certification period, a household on semiannual reporting is only required to report when the household's income reaches or exceeds 130 percent of the federal poverty guideline for the size of the household]~~ The household is required to report changes during the certification period in accordance with regulation at 8.139.120 NMAC.

~~[(27)]~~ **(28) Simplified reporting:** means an alternative change reporting requirement for households that receive ~~[food stamp]~~ SNAP benefits.

~~[(28)]~~ **(29) Shelter for battered women and children:** means a public or private nonprofit residential facility that serves battered women and their children. If such a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered women and children.

~~[(29)]~~ **(30) Sponsor:** means a person who executed an affidavit(s) of support or similar agreement on behalf of an alien as a condition of the alien's entry or admission to the United States as a permanent resident.

~~[(30)]~~ **(31) Sponsored alien:** means an alien lawfully admitted for permanent residence in the United

States as an immigrant, as defined in Subsection 101(a)(15) and Subsection 101(a)(2) of the Immigration and Nationality Act.

~~[(31)]~~ **(32) Spouse:** means either of two individuals who:

(a) would be defined as married to each other under applicable state law; or

(b) are living together and are holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or trades people.

~~[(32)]~~ **(33) Stale:** means EBT accounts which have not been accessed ~~[, no withdrawal activity, by the household in the last]~~ or had any withdrawal activity by the household for 90 days from the most recent date of withdrawal.

~~[(33)]~~ **(34) Standard utility allowance (SUA):** means an average utility amount used year round that includes the actual expense of heating and cooling fuel, electricity (apart from heating or cooling), the basic service fee for one telephone, water, sewerage, and garbage and trash collection. This amount is adjusted annually to reflect changes in expenses. A cooling expense is a verifiable utility expense relating to the operation of air conditioning.

~~[(34)]~~ **(35) State wage information collection agency:** ~~[the wage information collection agency for the state of New Mexico is]~~ means for New Mexico the department of workforce solutions, employment security division (ESD) which administers the state employment compensation law and ~~[which]~~ provides a quarterly report of employment related income and eligibility data.

~~[(35)]~~ **(36) Striker:** means anyone involved in a strike or concerted work stoppage by employees (including stoppage due to the expiration of a collective bargaining agreement) and any concerted slow down or other concerted interruption of operations by employees.

~~[(36)]~~ **(37) Student:** means an individual attending ~~[school]~~ at least half time, as defined by the institution~~[-]~~ any kindergarten, preschool, grade school, high school, vocational school, technical school, training program, college, or university.

(38) Supplemental nutrition assistance program (SNAP): The Food and Nutrition Act of 2008 changed the federal name of the food stamp program to the supplemental nutrition assistance program. SNAP is synonymous with the food stamp program.

(39) Supplemental nutrition assistance program trafficking: means:

(a) The buying, selling, stealing, or otherwise effecting an exchange of SNAP benefits issued and accessed via Electronic Benefit Transfer (EBT) cards, card numbers and personal identification numbers (PINs), or by manual voucher and signature, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone;

(b) The exchange of firearms, ammunition, explosives, or controlled substances, as defined in section 802 of title 21, United States Code, for SNAP benefits;

(c) Purchasing a product with SNAP benefits that has a container requiring a return deposit with the intent of obtaining cash by discarding the product and returning the container for the deposit amount, intentionally discarding the product, and intentionally returning the container for the deposit amount;

(d) Purchasing a product with SNAP benefits with the intent of obtaining cash or consideration other than eligible food by reselling the product, and subsequently intentionally reselling the product purchased with SNAP benefits in exchange for cash or consideration other than eligible food; or

(e) Intentionally purchasing products originally purchased with SNAP benefits in exchange for cash or consideration other than eligible food.

~~[(37)]~~ **(40) Supplemental security income (SSI):** means monthly cash payments made under the authority of:

(a) Title XVI of the Social Security Act, as amended, to the aged, blind and disabled; or

(b) section 1616(a) of the Social Security Act; or

(c) section 212(a) of P.L. 93-66.

~~[(38)]~~ **(41) SSI household:** means a household in which all members are applicants or recipients of SSI. An SSI household may also apply for ~~[food stamps]~~ SNAP through a social security office. The application must be forwarded to the appropriate ~~[food stamp]~~ SNAP (ISD) office for processing. SSI households are categorically eligible.

~~[(39)]~~ **(42) Supplementary unemployment benefits (SUB):** part of the guaranteed annual wage provisions in the auto industry whereby the company supplements state UCB to insure that laid off workers receive a guaranteed amount of income during the layoff period.

~~[(40)]~~ **(43) Thrifty food plan (TFP):** see maximum food stamp allotment.

~~[(41)]~~ **(45) Transitional housing:** ~~[housing is transitional if its]~~ means housing for which the purpose

is to facilitate the movement of homeless individuals and families to permanent housing within 24 months, or such longer period as is determined necessary. All types of housing meant to be transitional should be considered as such for the purpose of determining exclusion. The definition does not exclude specific types of housing and does not require the presence of cooking facilities in a dwelling.

~~[(42)]~~ **(46) Vehicles:** means a mode of transportation for the conveyance of passengers to or from employment, daily living, or for the transportation of goods. ~~[For purposes of the food stamp program boats, trailers, and mobile homes shall not be considered as vehicles]~~ Boats, trailers and mobile homes shall not be considered vehicles, for purposes of SNAP.

~~[(43)]~~ **(47) Verification:** means the use of third-party information or documentation to establish the accuracy of statements on the application.

[8.139.100.7 NMAC - Rn, 8.139.650.7 NMAC & A, 02/14/2002; A, 01/01/2004; A, 02/28/2007; A/E, 10/15/2008; A, 04/01/2010]

8.139.100.8 ABBREVIATIONS & ACRONYMS:

A. Abbreviations and acronyms:

- (1) **ABAWD:** able bodied adults without dependents
- (2) **AFDC:** aid to families with dependent children (replaced by TANF effective July 1, 1997)
- (3) **AR:** annual reporting
- (4) **BIA-GA:** bureau of Indian affairs-general assistance
- (5) **CA:** cash assistance (same as financial assistance)
- (6) **CE:** categorical eligibility or categorically eligible
- (7) **CFR:** code of federal regulations
- (8) **CPI-U:** consumer price index for urban consumers
- (9) **CS:** child support
- (10) **CSED:** (HSD) child support enforcement division
- (11) **CYFD:** (New Mexico) children youth & families department
- (12) **DOH:** (New Mexico) department of health
- (13) **DOJ:** (United States) department of justice
- (14) **DOL:** (New Mexico) department of labor
- (15) **DOT:** dictionary of occupational titles
- (16) **DRIPS:** disqualified recipient information processing system
- (17) **E&T:** employment and training
- (18) **EBT:** electronic benefit transfer
- (19) **EC:** employment counselor
- (20) **EI:** earned income
- (21) **EW:** eligibility worker (now FAA or caseworker)
- (22) **FA:** financial assistance (same as cash assistance)
- (23) **FAA:** family assistance analyst (caseworker)
- (24) **FCS:** food and consumer services of the USDA, now FNS
- (25) **FFY:** federal fiscal year
- (26) **FMV:** fair market value
- (27) **FNS:** food and nutrition service
- (28) **FSP:** food stamp program
- (29) **GA:** general assistance
- (30) **GED:** general equivalency degree
- (31) **HHS:** (U.S.) health and human services
- (32) **HSD:** (New Mexico) human services department
- (33) **HUD:** (U.S.) housing and urban development
- (34) **IEVS:** income and eligibility verification system
- ~~[(35)]~~ **INS:** (U.S.) immigration and naturalization service
- (36) **IPV:** intentional program violation
- (37) **ISD:** (HSD) income support division
- (38) **ISD2:** integrated services delivery for ISD
- (39) **ISS:** income support specialist (now FAA or caseworker)
- (40) **JOBS:** jobs opportunities and basic skills (a work program under AFDC)
- (41) **JTPA:** Job Training Partnership Act (now WIA)

- (42) **LIHEAP:** low income home energy assistance program
- (43) **LITAP:** low income telephone assistance program
- (44) **MFSA:** maximum food stamp allotment (benefit amount)
- (45) **MRRB:** monthly reporting and retrospective budgeting
- (46) **MVD:** (New Mexico) motor vehicle division
- (47) **NADA:** national automobile dealers association
- (48) **NFA:** nonfinancial assistance (same as non-cash assistance (NCA))
- (49) **NMW:** New Mexico works
- (50) **QC:** quality control
- (51) **RR:** regular reporting or regular reporters
- (52) **RSVP:** retired seniors volunteer program
- (53) **SAVE:** systematic alien verification for entitlements
- (54) **SNAP:** supplemental nutrition assistance program
- (55) **SR:** semiannual reporting
- (56) **SSA:** social security administration
- (57) **SSI:** supplemental security income
- (58) **SSN:** social security number
- (59) **SUA:** standard utility allowance
- (60) **SWICA:** state wage information collection agency
- (61) **TANF:** temporary assistance to needy families (block grant program under Title IV-A of the

Social Security Act)

- (62) **TAPP:** tribal assistance project program (Navajo)
- (63) **TFP:** thrifty food plan (now the maximum food stamp allotment)
- (64) **UCB:** unemployment compensation benefits
- (65) **USCIS:** United States citizenship and immigration services
- ~~[(65)]~~(66) **USDA:** U. S. department of agriculture
- ~~[(66)]~~(67) **VA:** veterans administration
- ~~[(67)]~~(68) **WIA:** Workforce Investment Act (formally JTPA)

B. [Reserved]

[8.139.100.8 NMAC - Rn, 8.139.650.8 NMAC & A, 02/14/2002; A, 01/01/2004; A, 02/28/2007; A/E, 10/15/2008]

This is a proposed amendment to 8.139.110 NMAC, Sections 8, 9, 14 and 16.

8.139.110.8 APPLICATION PROCESS: ~~[General information about ISD assistance programs will be provided and their relative advantages explained. Individuals will be informed of other programs that might meet their needs. Application forms for all ISD programs will be readily available to potentially eligible individuals as well as to local agencies and organizations that regularly have contact with potential clients. Application forms will be provided to anyone requesting them. Each county office is responsible for providing local agencies and organizations with program application forms. If there is any indication that an applicant might be eligible for supplemental security income (SSI), the relative advantages of the SSI program will be explained and the applicant will be referred to the local social security office.]~~ The application process includes completing an application form on paper or electronically, filing the completed application form, being interviewed, and having certain information verified. ISD must act promptly on all applications and provide SNAP benefits retroactive to the date the application was received by the ISD when applicants are eligible for benefits. Application forms and information on how to submit an electronic application will be readily available to potentially eligible individuals as well as to local agencies and organizations that regularly have contact with potential applicants and recipients. If there is any indication that an applicant may be eligible for supplemental security income (SSI), the relative advantages of the SSI program will be explained and the applicant will be referred to the local social security office to apply for SSI benefits.

8.139.110.9 RIGHT TO APPLY:

A. Anyone has the right to apply for any benefits provided by ISD whether or not it appears that the individual will be found eligible. An individual requesting information or assistance shall be informed of the right to apply, whether or not it appears the individual will be found eligible.

B. An individual who requests information or assistance and who wishes to apply, shall be encouraged to complete an application the same day that contact is made with the office.

(1) An individual shall be informed that the date of application affects the benefit amount.

(2) An individual shall be informed that an incomplete application may be filed as long as the form has the applicant's name and address and is signed by a responsible household member or authorized representative.

(3) An interview shall not be required before filing an application.

(4) A household shall be informed, except for a ~~[food stamp program]~~ SNAP requirement, that any disadvantages or requirements for applying for or receiving cash assistance do not apply to ~~[the food stamp program]~~ SNAP and that receiving ~~[food stamps]~~ SNAP shall have no bearing on any other program's time limits that may apply to the household.

(5) If an individual contacts the office by phone or mail and does not wish to come to the office to pick up an application, ~~[the individual is entitled to]~~ the individual will be mailed an application the same day the office is contacted and offered the option of submitting an electronic application through the YES-New Mexico web portal.

C. SSI applicants:

(1) Whenever a household consists only of SSI applicants or recipients, the household has the right to apply for ~~[food stamp]~~ SNAP benefits and to transact all ~~[food stamp]~~ SNAP business at a social security administration (SSA) office, provided it has not applied for ~~[food stamp]~~ SNAP benefits in the preceding 30 days or does not have a ~~[food stamp]~~ SNAP application pending at a local ISD office.

(a) Such applications are considered filed for normal processing purposes when the signed application is received by SSA.

(b) SSA is required to forward every application to the appropriate ISD office within one working day of receipt.

(c) SSI clients are not required to see an ISD caseworker or be otherwise subjected to a second interview, although additional information or verification may be requested.

(2) **SSI/FS prerelease applications:** A resident of a public institution who applies for SSI prior to release from the institution under the social security administration (SSA) prerelease program for the Institutionalized [42 U.S.C. 1383 (j)] shall be permitted to apply for ~~[food stamp]~~ SNAP benefits at the same time the individual applies for SSI. The ~~[food stamp]~~ SNAP application shall be processed at a local ISD office in accordance with Paragraph 1 of Subsection C of 8.139.110.9 NMAC above and with the following processing and timeliness standards for joint ~~[SSI/FS]~~ SSI/SNAP prerelease applications.

(a) **Application date:**

(i) When a resident of an institution files a joint application for SSI and ~~[food stamp]~~

SNAP benefits with SSA prior to release from the institution, the date of application for filing purposes at the local ISD office shall be the date of release.

(ii) An application shall be denied upon receipt if the applicant is not otherwise eligible, except for the resident of an institution provision.

(b) **Normal processing standard:**

(i) An application shall be processed as soon as possible and the applicant afforded an opportunity to participate no later than 30 days from the date of release from the institution.

(ii) Benefits for the initial month of certification shall be prorated from the date of the month the applicant is released from the institution.

(c) **Expedited service:** An applicant who qualifies for expedited service shall receive benefits no later than the seventh calendar day following the applicant's release from the institution.

(d) **Categorical eligibility:** A potential categorically eligible applicant shall not be considered as such until the individual has been released from the institution and SSA has made a final SSI eligibility determination.

(e) **Restored benefits:** SSA must notify the local ISD office of the date of the applicant's release from the institution. If for any reason notification is not provided on a timely basis, the caseworker shall only restore ~~[food stamp]~~ SNAP benefits retroactively to the date of release.

D. Authorized representatives:

(1) **Designation:** The head of the household (or the spouse or any other responsible member of the household) may designate an individual who is a non-household member to act on its behalf in:

(a) applying for ~~[food stamp]~~ SNAP benefits; or

(b) obtaining ~~[food stamp]~~ SNAP benefits; or

(c) using the ~~[food stamp]~~ SNAP benefits.

(i) The caseworker shall obtain a copy of the household's written authorization for the authorized representative and maintain it in the household's case record. No limit shall be placed on the number of households an authorized representative may represent ~~[-]; however, each household may only have one authorized representative at a time.~~

(ii) Even if the household member is able to make application and obtain benefits, the household should be encouraged to name an authorized representative to use the ~~[food stamp]~~ SNAP benefits in case illness or other circumstances prevent household members from using the benefits themselves.

(iii) The authorized representative's identity shall be verified and a copy of the document maintained in the household's case file.

(2) **Liability of households:** The head of the household or spouse should prepare or review ~~[their]~~ the household's application whenever possible, even though another household member or the authorized representative will actually be interviewed. The household is liable for any over-issuances resulting from incorrect or untrue information given by the authorized representative.

(3) **Application:** When the head of the household or spouse cannot ~~[make application, another member may apply]~~ apply, another adult member may do so, or an adult who is not a member of the household may be designated as the authorized representative. Nonmember adults shall be designated as authorized representatives for certification purposes only if they are:

(a) designated in writing by the head of the household, or spouse, or another responsible member of the household; and

(b) sufficiently aware of relevant household circumstances to represent it.

(4) **Changing authorized representative:** An authorized representative may be designated at the time an application is completed; the authorized representative shall be named on the ID card. This does not preclude the right of the household to make a designation after it has made application to the program. If a household develops a need for a representative, or needs to change the authorized representative before, during, or after the certification process, a new authorized representative may be appointed and a new ID card shall be issued to the household. The authorized representative designated to apply for the household may be the same individual who obtains or uses the benefits for the household, or may be a different individual.

(5) **Using ~~[food stamp]~~ SNAP benefits:** The authorized representative may use the ~~[food stamp]~~ SNAP benefits to purchase food for the household's consumption with the household's full knowledge and consent, provided that the authorized representative has the household's ID card.

(6) **Kinds of authorized representatives:**

(a) **Emergency authorized representatives:**

(i) An emergency authorized representative is someone who obtains benefits for a

particular month when the household is unable to obtain the benefits because of unforeseen circumstances.

(ii) A household may designate in writing, on a one-time basis, an emergency authorized representative.

(iii) The household member whose signature is on the household's ID card must sign a designation authorizing the emergency authorized representative to obtain the benefits.

(b) **Non-household members:** If the only adult living with a household is classified as an excluded household member or nonmember, that individual may be the authorized representative for the minor members who are eligible.

(c) **Addiction treatment centers:**

(i) Residents of public or private, nonprofit drug or alcohol treatment centers must apply and be certified for program participation through the use of an authorized representative who is an employee of, and designated by, the organization or institution administering the treatment and rehabilitation program.

(ii) The center may receive and spend ~~[food stamp]~~ SNAP benefits for food prepared by and/or served to the center residents, and is responsible for complying with requirements governing treatment centers.

(d) **Group homes:**

(i) A resident of a group living arrangement may apply for ~~[food stamp]~~ SNAP benefits and be certified through use of an authorized representative employed and designated by the group home; or on the resident's own behalf; or through an authorized representative of the applicant's choice.

(ii) A resident of a group home does not have to be certified through an authorized representative or individually in order for one or the other method to be used.

(iii) The facility is responsible for determining if any resident may apply for benefits on the resident's own behalf. The decision should be based on the resident's physical and mental ability to handle his/her own affairs. The facility is also encouraged to consult with any other agencies of the state providing other services to such a resident prior to this determination.

(iv) Applications shall be accepted for any individual applying as a one-person household, or for any grouping of residents applying as a household.

(v) If a resident applies through a facility's authorized representative, the resident's eligibility shall be determined as a one-person household.

(vi) If a resident is certified on the resident's own behalf, the benefits may either be returned to the facility to be used to purchase food for meals served either communally or individually to eligible residents; used by eligible residents to purchase and prepare food for their own consumption; and/or used to purchase meals prepared and served by the facility.

(7) **Disqualification:**

(a) Any person who misrepresents a household's circumstances and knowingly provides false information pertaining to a household, or has made improper use of ~~[food stamp]~~ SNAP benefits, shall be disqualified from participating as an authorized representative for up to one year.

(b) The caseworker shall be required to send written notification to the affected household(s) and the authorized representative 30 days prior to the date of disqualification. The notification shall include the proposed action; the reason for the proposed action; the right to request a fair hearing; the telephone number of the office; and, if possible, the name of the person to contact for additional information.

(c) This provision is not applicable to drug or alcoholic treatment centers nor to those group homes that act as authorized representatives for their residents.

(8) **Restrictions:** HSD employees involved in the certification or issuance process, and retailers who are authorized to accept benefits, cannot act as authorized representatives without the specific written approval of the ISD county director, and then only if the county director determines that no one else is available to serve as an authorized representative. Individuals disqualified for fraud cannot act as authorized representatives during the period of disqualification, unless the disqualified individual is the only adult member of the household able to act on its behalf and only if the county director has determined that no one else is available to serve as an authorized representative. The county director shall decide separately whether such individuals are needed to apply on behalf of the household and use the benefits to purchase food.

[02/01/95, 06/01/95; 8.139.110.9 NMAC - Rn, 8 NMAC 3.FSP.111, 05/15/2001; A, 02/14/2002]

8.139.110.10 SUBMISSION OF FORMS

A. **Joint cash assistance (CA) /~~[food stamp]~~ SNAP applications:**

(1) To facilitate participation in the ~~[food stamp program (FSP)] SNAP~~, households in which all

members are applying for cash assistance (Title IV-A or GA) shall be allowed to apply for ~~[food stamp]~~ SNAP benefits at the same time they apply for other assistance. However, ~~[food stamp]~~ SNAP eligibility and benefit amounts shall be based solely on ~~[food stamp]~~ SNAP eligibility factors pending determination of cash assistance eligibility. All households shall be certified in accordance with the notice and procedural and timeliness requirements of FSP regulations. (See subsection B of 8.139.110.11 NMAC, combined CA/FS interviews, for further information.)

(2) A household shall be notified of the Privacy Act regarding application information and shall be provided the following information:

(a) The collection of information, including the social security number of each household member, is authorized under the Food Stamp Act of 1977, as amended 7 U.S.C. 2011-2036.

(b) The information shall be used to determine whether a household is eligible or continues to be eligible to participate in the ~~[food stamp]~~ SNAP program.

(c) The information shall be verified through computer matching programs.

(d) The information shall be used to monitor compliance with program regulations and for program management.

(e) The information provided may be disclosed to other federal and state agencies for official examination, and to law enforcement officials for the purpose of apprehending persons fleeing from the law.

(f) If a ~~[food stamp]~~ SNAP claim is filed against a household, the information on the application, including all SSNs, may be referred to federal and state agencies, as well as private claims collection agencies, for claims collection action.

(g) That providing the requested information, including the SSN of each household member, is voluntary, but that failure to provide required information shall result in the denial of ~~[food stamp]~~ SNAP benefits to a household.

B. Items completed: ~~[Food stamp program]~~ SNAP regulations require only that an application contain the name, address and signature, or witnessed mark, of the applicant in order to be filed and registered.

C. Who completes the application: The application must be completed by a household member or designated authorized representative. If an authorized representative or ~~[another appropriate person]~~ adult member of the SNAP household completes the application form, the applicant should still review the completed form, since the applicant is liable for improper payments resulting from erroneous information given by an authorized representative. If an applicant needs help completing the form, the caseworker shall determine if the applicant has a friend or relative to help complete the form. If there is no one to help the applicant, the caseworker shall help the applicant complete the form.

D. Signature: ~~[The application must be signed by the applicant and the authorized representative, if one is designated. If the applicant receives help completing the form, that person must also sign at the bottom of the form. A person who is unable to sign his own name may sign the application with a mark and have it witnessed. A mark that is not witnessed cannot be accepted as a valid signature. The witness shall be someone other than the interviewer.]~~

(1) The application must be signed by the applicant and the authorized representative, if one is designated. A signature means that the applicant is verifying the information provided by the household and has read and agrees with all of the statements on the application or other form requiring a signature.

(2) A signature is the depiction of the individual's name(s) that is, handwritten, electronic or recorded telephonically. Electronic and telephonically recorded signatures are valid only if provided in a format or on a system approved by the department, which includes verification of the identity of the person providing the signature.

(3) If the applicant receives help completing the form, that person must also sign at the bottom of the form.

(4) A person who is unable to sign his own name may sign the application with a mark and have it witnessed. A mark that is not witnessed cannot be accepted as a valid signature. The witness shall be someone other than the interviewer.

E. Filing the application:

(1) An application can be filed in person, through an authorized representative, by mail or by fax or other electronic transmission, including on-line electronic transmission. An application submitted electronically or by fax and containing a handwritten or electronic signature shall be considered an acceptable application.

(2) An application shall be filed at the ISD field office serving the community or county where the applicant lives or through the YES-NM web portal.

(3) If an applicant files an application with the wrong office, that office shall immediately forward the form to the correct office. Households shall be informed that ~~[food stamp]~~ SNAP applications shall not be

considered filed and the processing time limit does not begin until the application is received by the correct office. Applications received through the YES-NM web portal are automatically sent to the correct office.

F. Registration of the application: ~~[The day on which a signed application is received by an ISD office is the application date. The application shall be registered that day or retroactively to that day as soon as possible.]~~ Completed and signed in-state applications shall be registered effective the date on which an application is received during regular business hours. Applications that are dropped off or submitted electronically after regular business hours will be considered received as of the next business day. Regular business hours are Monday through Friday from 8 a.m. to 5 p.m., excluding state holidays or other days/times when the field office is officially closed. Processing deadlines shall be calculated based on the application date.

G. Incomplete applications: Applications that do not contain, at a minimum, the applicant's name, address, and signature, or witnessed mark, are incomplete and cannot be registered. Prompt action shall be taken to return the application form for completion of the minimum required entries. Other missing information does not constitute an incomplete application for purposes of registering the application.

H. Computer inquiries: Computer inquiries shall be completed prior to certification and, where feasible, prior to the interview in order to prevent dual participation and to reveal undetected income and resources. These inquiries include scans for wage and unemployment benefits, SSI benefits, and licensed vehicle ownership, as well as for other available information and appropriate IEVS data.

I. Action on discrepancies:

(1) If computer interfaces show a household member is currently participating in another household or receiving benefits from the food distribution on Indian reservations program (FDPIR), the caseworker shall discuss the situation with the applicant. The household can be certified only after the other project area has been informed of the situation and the case has been adjusted or transferred whichever is appropriate. If an inquiry shows that the case is on file in another project area, residence shall be established. The application shall be forwarded to the project area in which the applicant household has established residency.

(2) **Available information:** The household shall be given an opportunity to verify information from another source if information is contradictory to that already provided or is questionable. A decision on eligibility and benefit amount shall not be delayed beyond normal application processing standards if other sources of data are unavailable. The final decision to approve or deny shall be based on the available information.

8.139.110.14 DISPOSITION OF APPLICATION/NOTICES:

A. Approval of ~~[food stamps]~~ SNAP: Notification of the final eligibility determination will be mailed via US postal service and or through approved electronic methods to the applicant in time to be received not later than the last day of the time limit, that is, mailed by the 28th day after the date of application to be received by the 30th day.

B. Contents of the notice: The notice of approval provides the household with written notice, sent by mail or electronically, of the amount of the benefits and the beginning and ending dates of the certification period. If the initial benefit amount is prorated or contains benefit amounts for both the month of application and the current month, the notice will explain that the initial month's ~~[food stamp]~~ SNAP benefit amount differs from the benefit amount for the remainder of the certification period. The notice also states that if households that have applied jointly for financial assistance and ~~[food stamps]~~ SNAP begin to receive a financial assistance check, their ~~[food stamp]~~ SNAP benefit amount will be reduced or terminated without advance notice.

C. Denial of ~~[food stamps]~~SNAP: If the application is denied, a written or electronic notice will be sent to the applicant explaining the basis for the denial, the right to request a fair hearing, and the telephone number of the ISD office where the household can get information concerning an individual or organization that provides legal representation. Households determined to be ineligible will be sent a denial notice as soon as possible, but not later than 30 days following the date the application was filed, unless an extension was requested. The household must file a new application if it wishes to have eligibility ~~[determined]~~ re-determined, subsequent to the initial denial.

8.139.110.16 EXPEDITED ~~[FOOD STAMP]~~ SNAP SERVICE

A. Identifying eligible households: Households reporting little or no income or resources may be entitled to receive ~~[food stamp]~~ SNAP benefits within seven days after they file an application. Applications will be screened to identify such households as soon as possible in order to ensure that the seven-day limit is met.

(1) **Entitlement to expedited service:** The following households will be expedited, provided that they are otherwise ~~[food stamp]~~ SNAP eligible:

(a) households with less than \$150 in gross monthly income, and with liquid resources (i.e.,

cash on hand, checking or savings accounts, savings certificates, lump sum payments, and the like) not exceeding \$100;

(b) households with combined gross monthly income and liquid resources less than the household's monthly rent, or mortgage, and utilities. ~~[At the households option, either actual utility expenses or the~~ The mandatory SUA may be used in making this determination, provided that the household qualifies for the SUA; or

(c) migrant or seasonal farm worker households with \$100 or less in liquid resources and determined to be destitute as defined by the special income calculations in 8.139.400.14 NMAC, migrant and seasonal farm workers.

(2) **Verification requirements:** All households entitled to expedited service must verify identity through readily available documentation or through a collateral contact. All other eligibility factors may be postponed. Reasonable efforts must be made by the ISS to verify residence, income, liquid resources, and all other eligibility factors. Benefits will not be delayed because of an inability to verify such factors or any questionable information.

(3) **SSNs and work registration:** Applicant households are specifically permitted to receive their first expedited ~~[food stamp]~~ SNAP benefit amount before providing social security numbers (SSN) or applying for them. Such households are required to do so before their next benefit issuance, but will remain eligible for participation as long as good cause exists. Unless exempt, the household's work registration status will be established at the time of certification for expedited service. If an individual's work registration exemption status is in question, benefits will not be delayed solely to verify the exemption.

B. Time limits:

(1) **Expedited time limits:** All households entitled to expedited service will receive their benefits no later than the seventh calendar day after the date the application was filed.

(2) **Out-of-office interview:** If a household is entitled to expedited service and waiver of the office interview, the interview will be conducted and the eligibility determination completed within the expedited service time limits, unless the household cannot be reached. The first day of this count is the first calendar day after the application is filed. If a telephone interview is conducted and the application must be mailed to the household for signature, the mailing time involved will not be calculated in the expedited service time limits.

(3) **Late identification:** If screening fails to identify a household as being entitled to expedited service and it is subsequently determined that the household was so entitled, the household's application will be processed immediately; the time limits in such instances are calculated from the date that it is discovered that the household was entitled to expedited service.

(4) **Certification periods:** Households entitled to expedited service which provide all necessary verification prior to certification may be certified for up to twelve months, if circumstances warrant. Households whose verification requirements are postponed will be certified for the month of application, and the following month, or for households whose circumstances warrant, a normal certification period will be assigned. When a certification period of more than one month is assigned, the written notification to the household will state that no further benefits will be issued until the postponed verification requirement is completed. The notice also advises that if verification results in changes in eligibility or ~~[food stamp]~~ SNAP benefit amount, the ISS will act on these changes without advance notice of adverse action.

(5) **Continuation of benefits:** Households providing the postponed verification by the 30th day after the application date will have their benefits continued. The second month's benefits will be issued within five working days from the date verification is received, or the first day of the second month, whichever is later.

(6) **Termination of benefits:** Except for migrant farm workers needing out-of-state verification, when the postponed verification requirement is not completed within 30 days of the date of application, the household's participation in the program will be terminated and no further benefits issued.

(7) **Denial of expedited service:** Households determined ineligible for expedited service will have their applications processed according to normal standards. A household wishing to contest a denial of expedited service will be offered an agency conference to discuss the denial. The conference will be scheduled within two (2) working days of the request for a conference, unless the household requests a later date or states that it no longer wishes to have an agency conference.

C. Number of expedited issuances:

(1) **Limits:** There is no limit to the number of times a household can be certified under expedited procedures, as long as prior to each expedited certification the household either has completed the verification requirements postponed at the last expedited certification or has been certified under normal processing standards since the last expedited certification.

(2) **At every application:** Expedited services will be available at initial application based on the circumstances existing in the month of application. If a participating household applies for recertification before the end of its current certification period, the expedited service provision will not be applied.

This is a proposed amendment to 8.139.400 NMAC, Section 11.

8.139.400.11 SPECIAL MEMBERS

A. Students:

(1) **Eligibility:** An individual who is enrolled at least half-time in an institution of higher education will be ineligible to participate in ~~the food stamp program~~ SNAP unless the individual qualifies for one of the exemptions contained in ~~subsection C~~ paragraph 3 of this section. Half-time enrollment status is determined by the definition of the institution in which the individual is enrolled or attending.

(2) **Enrollment:** ~~[An individual is considered to be enrolled in an institution of higher education:]~~

(a) ~~[if the individual is enrolled in a business, technical, trade, or vocational school that normally requires a high school diploma or equivalency certificate for enrollment in the curriculum; or] An individual is considered to be enrolled in an institution of higher education, if the individual is enrolled in a business, technical, trade or vocational school, that normally requires a high school diploma or equivalency certificate for enrollment in the curriculum or if the individual is enrolled in a regular curriculum at a college or university that offers degree programs regardless of whether a high school diploma is required.~~

(b) ~~[if the individual is enrolled in a regular curriculum at a college or university that offers degree programs regardless of whether a high school diploma is required:] The enrollment status of a student shall begin on the first day of the school term. Such enrollment shall be deemed to continue through normal periods of class attendance, vacation and semester breaks. Enrollment status shall terminate when the student graduates, is expelled, does not re-enroll or is suspended for a period in excess of thirty (30) calendar days~~

(3) **Student exemptions:** To be eligible, a student must meet at least one of the following exemptions:

(a) **Age:** Be age 17 or younger or age 50 or older.

(b) **Physical or mental unfitness:** Be physically or mentally unfit.

(i) If an individual claims to be physically or mentally unfit for purposes of the student exemption, and the unfitness is not evident to the ~~ISS~~ caseworker, verification may be required.

(ii) Appropriate verification may consist of receipt of temporary or permanent disability benefits issued by government or private sources, or of a statement from a physician or licensed or certified psychologist.

(c) **Education/training program:** Assigned to or placed in an institution of higher education through or in compliance with the requirements of:

(i) a program under the Job Training Partnership Act of 1974 (JTPA);

(ii) an Employment and Training program under the Food Stamp Act;

(iii) a program under Section 236 of the Trade Act of 1974 [19 U.S.C. 2296]; or

(iv) an employment and training program for low-income households that is operated by a state or local government where one or more of the components of such program is at least the equivalent to an acceptable ~~food stamp~~ SNAP employment and training program component.

(d) **Employment:** Employed a minimum of 20 hours per week and paid for such employment, or, if self-employed, working a minimum of 20 hours per week, and receiving weekly earnings at least equal to the federal minimum wage multiplied by 20 hours.

(e) **Work study:** Be participating in a state or federally financed work study program during the regular school year.

(i) The student must be approved for work study at the time of application for ~~food stamp~~ SNAP benefits, the work study must be approved for the school term, and the student must anticipate actually working during that time.

(ii) The exemption will begin with the month in which the school term begins or the month work study is approved, whichever is later.

(iii) Once begun, the exemption will continue until the end of the month in which the school term ends, or it becomes known that the student has refused an assignment.

(iv) The exemption will not continue between terms when there is a break of a full month or longer, unless the student is participating in work study during the break.

(f) **Children:** Responsible for a dependent household member who:

(i) is under age 6; or

(ii) has reached the age of 6 but is under age 12 when the ISS has determined that adequate child care is not available to enable the student to attend class and comply with the 20-hour work requirement in (4) or the work study requirement in (5) above.

(g) **Single parents:** Full-time students of higher education who are single parents with the responsibility for the care of a dependent child under age 12.

(i) This provision applies when only one natural, adoptive or stepparent (single, widow/er, separated, divorced) is in the same ~~[food-stamp]~~ SNAP household as the child.

(ii) If there is no natural, adoptive or stepparent in the same ~~[food-stamp]~~ SNAP household as the child, another full-time student in the same ~~[food-stamp]~~ SNAP household as the child may qualify for eligible student status under this provision if he/she has parental control over the child and is not living with his/her spouse.

(h) **Two parents:** In a two parent household, if both parents are responsible for the care of the dependent child then they both can be eligible for SNAP benefits. If only one is responsible for the care of the dependent child then only one can be eligible for SNAP benefits.

(i) This provision applies when only natural, adoptive or stepparent (single, widow/er, separated, divorced) is in the same ~~[food-stamp]~~ SNAP household as the child.

(ii) If there is no natural, adoptive or stepparent in the same ~~[food-stamp]~~ SNAP household as the child, another full-time student in the same ~~[food-stamp]~~ SNAP household as the child may qualify for eligible student status under this provision if he/she has parental control over the child and is not living with his/her spouse.

(i) **Title IV-A:** Receiving Title IV-A cash assistance.

(j) **Work incentive program:** Participation in the job opportunities and basic skills program under Title IV of the Social Security Act or its successor programs.

(k) **On-the-job training:** Be participating in an on-the-job training program. An individual is considered to be participating in an on-the-job training program only during the period of time the individual is being trained by the employer.

B. Strikers: Households with members on strike are ineligible to participate in the ~~[food-stamp program]~~ SNAP, unless the household was eligible for benefits the day before the strike began and is otherwise eligible at the time of application. A striker is anyone involved in a strike or concerted stoppage of work by employees, including a stoppage because of the expiration of a collective bargaining agreement, and any concerted slowdown or other concerted interruption of operations by employees. Employees participating in a sympathy strike will be considered strikers. The household will not receive an increased ~~[food-stamp]~~ SNAP benefit amount as a result of the decrease in income of the striking member(s) of the household.

(1) **Nonstrikers:** The following individuals are not considered strikers and are eligible for program participation:

(a) any employee affected by a lockout;

(b) an individual who goes on strike who is exempt from work registration (Subsection D of 8.139.410.12 NMAC) the day before the strike, except those who were exempt because of employment;

(c) employees whose workplace is closed by an employer in order to resist demands of employees (i.e., a lockout);

(d) employees unable to work as a result of other striking employees (e.g., truck drivers who are not working because striking newspaper pressmen prevent newspapers from being printed);

(e) employees who are not part of the bargaining unit on strike but who do not want to cross a picket line for fear of personal injury or death;

(f) employees who are fined or laid off, or who are permanently replaced or officially resign; and

(g) employees who will not be permitted to return to their old jobs but are offered different ones.

(2) **Striker eligibility:**

(a) Striker eligibility is determined by considering the day before the strike as the day of application and assuming the strike did not occur.

(b) Eligibility at the time of application is determined by comparing the striking member's income before the strike to the striker's current income and adding the higher of the two to the current income of the nonstriking household members during the month of application.

(c) To determine benefits (and eligibility for households subject to the net income eligibility standard), deductions will be calculated for the month of application as for any other household. Whether the striker's prestrike earnings are used or the current income is used, the earnings deduction is allowed if appropriate.

(d) Strikers whose households are eligible to participate in the ~~[food-stamp program]~~ SNAP will be required to register for work unless otherwise exempt.

C. Boarders: Boarders are defined as individuals or groups of individuals residing with others and paying reasonable compensation to those others for lodging and meals. An individual furnished both lodging and meals by a household, but paying less than reasonable compensation to the household for such services, will be considered a household member. Foster care children placed in the home of relatives or other individuals or families will be considered boarders. Foster care payments made to the household will not be counted as income, unless the household chooses to include the foster child. Payment to a household for lodging and meals will be treated as self-employment income to the household.

(1) **Reasonable compensation:** To determine if an individual is paying reasonable compensation for meals and lodging in making a determination of boarder status, only the amount paid for meals will be used, provided that the amount paid for meals can be distinguished from the amount paid for lodging. A reasonable monthly payment will be either of the following:

(a) A boarder whose board arrangement is for more than two meals a day must pay an amount which equals or exceeds the maximum ~~[food stamp]~~ SNAP benefit amount for the appropriate size of the boarder household.

(b) A boarder whose board arrangement is for two meals or less per day must pay an amount which equals or exceeds two-thirds of the maximum ~~[food stamp]~~ SNAP benefit amount for the appropriate size of the boarder household.

(2) **Included boarders:** A household which provides boarding services may request that the boarder be included as a member of the household. Boarders are not eligible to participate in the ~~[food stamp program]~~ SNAP separately from the household providing the board. All the income and resources of included boarders will be counted in determining the eligibility and ~~[food stamp]~~ SNAP benefit amount of the household.

(3) **Excluded boarders:** The income and resources of boarders who are not included as household members will not be considered available to the household.

This is a proposed amendment to 8.139.410 NMAC, Section 10.

8.139.410.10 RESIDENCE

A. ~~[Project areas:~~ Households must live in the project area in which they file an application for participation. No individual may participate as a member of more than one household or in more than one project area in any month, with the exception of residents of battered women's shelters. A project area is defined as the area that a specific ISD office is designated to serve] Households may be an active member in only one SNAP household in any month, with the exception of residents of a domestic violence shelter.

B. ~~[Battered women's] Domestic violence shelter:~~ Any individual who is a resident of a domestic violence shelter ~~[for battered women and children]~~ may participate as a member in more than one ~~[food stamp]~~ SNAP household simultaneously, ~~[or in more than one project area in one month,]~~ provided that the shelter resident(s) left a household which contained the abusive individual.

C. Residence duration: No residence duration requirement will be imposed on any household.

D. Fixed residence or mailing address: An otherwise eligible household is not required to live in a permanent dwelling or have a fixed mailing address as a condition of eligibility.

E. Intent to reside: An intention to reside permanently in New Mexico ~~[or the project area]~~ is not required as a condition for participation in ~~[the FSP]~~ SNAP. However, a specific temporary purpose, such as vacationing in New Mexico, does not satisfy the residence requirement.

F. Verification of residency: Verification of residence should, whenever possible, be made in conjunction with the verification of other information. This can be done through such documents as rent receipts, mortgage bills, utility expenses, or identification papers which show the name and address of the applicant. Collateral contacts or other documentary evidence can be accepted to verify residence. Any document or collateral contact which reasonably establishes the household's residence must be accepted. No requirement for a specific type of verification may be imposed.

G. Lack of verification in unusual cases: The residence requirement will be verified, except in unusual circumstances, such as homeless households, some migrant farmworker households, ~~[or households newly arrived in a project area]~~ where verification of residence cannot reasonably be accomplished.

[02/01/95, 07/01/98; 8.139.410.10 NMAC - Rn, 8 NMAC 3.FSP.413, 05/15/2001]

This is a proposed amendment to 8.139.610 NMAC, Sections 8 through 10 and 12.

8.139.610.8 BENEFIT ISSUANCE SYSTEM

A. ~~[Benefit issuance: Food stamp]~~ **Electronic Benefit Transfer (EBT):** SNAP benefits are issued through a direct deposit into ~~[a household's electronic benefit transfer (EBT) food stamp]~~ an EBT account. The benefits are maintained in a central database and accessed by the household through an individual debit card issued to the household.

~~(1) The benefits are maintained in a central database and accessed by the household through an individual debit card issued to the household.~~

~~(2) The issuance date of monthly benefits is determined by the last two digits of the social security number of the payee for the eligible household receiving food stamp benefits. The issuance date for the initial month benefits are issued no later than the following workday after the application is approved.]~~

B. **Initial issuance of EBT card:** The EBT card is issued to the designated payee of the eligible household or to the designated authorized representative.

(1) The EBT card is ~~[issued to the payee or designated authorized representative during the application process prior to the application being approved]~~ mailed to the head of household or the designated authorized representative on the first working day after the application is registered. The applicant or recipient shall receive training on the use of the EBT card prior to activation of the EBT card.

(2) The EBT card shall be issued to the payee for an eligible household through the most effective means identified by HSD which may include issuance at the county office or by mail.

(3) The applicant or recipient must verify his or her identity.

(4) The payee for the eligible household may select the four-digit personal identification number that will allow access to the household's ~~[food stamp]~~ SNAP benefits.

C. **Replacement of the EBT card:** The recipient or designated authorized representative shall be instructed on the procedure for replacement of an EBT card that has been lost, stolen or destroyed.

(1) The recipient or designated authorized representative may report a lost, stolen or destroyed EBT card through the HSD EBT contractor customer service help desk, HSD EBT customer service help desk or the their caseworker.

(2) The lost, stolen, or destroyed EBT card shall be deactivated prior to a replacement card being issued to the household.

(3) HSD shall issue a replacement EBT card within two work-days following the notice by the household to HSD.

D. **Inactive EBT accounts:** EBT accounts which have not been accessed by the recipient in the last 90 days are considered a stale account. HSD may store stale benefits offline after notification to the household of this action.

(1) The notification to the household shall include the reason for the proposed action and the necessary steps required by the recipient to reactive the account.

(2) The recipient may request reinstatement of their EBT account anytime within 364 days after the date of the last benefit account activity.

E. **EBT benefit expungement:** HSD may expunge benefits that have not been accessed by the household after a period of 365 days. HSD must attempt to notify the household prior to expungement. Expunged benefits are no longer available to the household. Requests for reactivation must be received prior to expungement and a determination shall be made by the director or designee of the income support division.

8.139.610.9 IDENTIFICATION CARDS:

A. The caseworker shall provide a ~~[food stamp]~~ SNAP ID card to each certified household as proof of program eligibility.

(1) The ID card is issued in the name of the household member to whom the ~~[food stamp]~~ SNAP benefits are issued.

(2) The ID card contains a space for the name and signature of the household member to whom the ~~[food stamp]~~ SNAP benefits are issued, and for any authorized representative designated by the household.

(3) Any individual listed on the ID card must sign the ID card before that individual can use it.

(4) If a household does not designate an authorized representative, the caseworker shall void that section on the ID card to prevent names and signatures from being entered at a later date.

B. The caseworker shall issue an ID card to the household at initial certification, recertification, and when the ID card has been lost, stolen, or destroyed.

C. A replacement ID card will be issued when there is a change in the household member to whom the ~~[food stamp]~~ SNAP benefits are issued, or when the caseworker determines that a new ID card is needed.

D. Whenever possible, the caseworker shall collect the ID card being replaced.
[02/01/95; 8.139.610.9 NMAC - Rn, 8 NMAC 3.FSP.611, 05/15/2001; A, 02/28/2007]

8.139.610.10 ISSUANCE DATE:

A. HSD is responsible for timely and accurate benefit issuance to certified eligible households. A participating household has a definite issuance date so that ~~[food stamp]~~ SNAP benefits are received on or about the same time each month. The issuance date is based on the last two digits of the social security number of the individual to whom the ~~[food stamps]~~ SNAP benefits are issued. A household must have the opportunity to participate before the end of each issuance month.

B. Opportunity to participate: Opportunity to participate means a household is provided with ~~[food stamp]~~ SNAP benefits no later than 30 calendar days after the date an application is filed.

(1) Newly certified household: All newly certified households must be given an opportunity to participate no later than 30 calendar days following the date the application was filed. In EBT issuance situations, benefits must be authorized by the 29th day to be available to the household on the 30th day.

~~(a) Normal timeframe: An applicant household will receive benefits for the initial month if:~~
~~(i) the application and interview process is completed prior to the end of the initial month; and~~

~~(ii) all verification is provided prior to the end of the initial month; and~~

~~(iii) the household is determined to be eligible to receive benefits for the initial month;~~

~~(iv) if the household is eligible for the second month, the benefits will be issued based on the household's designated issuance date.] Combined issuance: Households with an application date after the 15th of the month and are eligible for expedited assistance are eligible for combined issuance.~~

~~(i) SNAP benefits for the initial month and the second month will be issued the day after approval of expedited service.~~

~~(ii) SNAP benefits for the third month will be issued the first day of the third month after approval.~~

~~(iii) SNAP benefits for the fourth month will be issued during the first ten days of the month based on a ten day compressed staggered issuance schedule. The issuance schedule uses the last two digits of the head of households SSN to determine the day of the month benefits are issued.~~

~~(iv) SNAP benefits for the fifth and ongoing months will be issued on the 20 day staggered issuance schedule. The issuance schedule uses the last two digits of the head of household's SSN to determine the day of the month the benefits are issued.~~

~~(b) [A household will receive two month's benefits at the same time if:~~

~~(i) the application and interview process is completed in the initial month or following month; and~~

~~(ii) all verification is provided in the month following the initial month and within 30 days of the date of application; and~~

~~(iii) the household is determined to be eligible to receive benefits for the initial month and the following month;~~

~~(iv) if the household is eligible for the third month, benefits for the third month will be issued based on the household's designated issuance date.] Households not entitled to combined issuance: The following households will not be entitled to combined issuance of the SNAP benefits:~~

~~(i) a household certified for one month only;~~

~~(ii) a household determined ineligible for the month of application, but eligible for the second month;~~

~~(iii) a household entitled to expedited service who must provide postponed verification to obtain the second month's SNAP benefits; or~~

~~(iv) a household that has been recertified.~~

(c) Standard Issuance: Households with an application date before the 15th of the month and approved in the month of application will have their prorated amount for initial month of benefits issued the day after the case is approved.

(i) SNAP benefits for the second month will be issued the first day of the month in the

second month of approval.

(ii) SNAP benefits for the third month during the first ten days of month based on a ten day compressed staggered issuance schedule. The issuance schedule uses the last two digits of the head of households SSN to determine the day of the month benefits are issued.

(iii) SNAP benefits for the fourth and ongoing months will be issued on the 20 day staggered issuance schedule. The issuance schedule uses the last two digits of the head of household's SSN to determine the day of the month the benefits are issued.

~~(e)~~(d) Expedited households: Households eligible for expedited service will receive ~~food stamp~~ SNAP benefits in the initial month within the expedited time limit. Benefits for the following month will be received on the household's designated issuance date if all postponed verification is provided before the end of the initial month.

[02/01/95, 01/01/97, 07/01/98; 8.139.610.10 NMAC - Rn, 8 NMAC 3.FSP.612, 05/15/2001; A, 02/28/2007]

8.139.610.12 GENERAL (BENEFIT AMOUNT)

A. The ~~food stamp~~ 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 ~~food stamp~~ 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 ~~food stamp~~ SNAP benefit amount is calculated, issuance authorization is processed that night, and ~~food stamp~~ 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 ~~food stamp~~ SNAP benefit amounts for all households regardless of their actual composition. To develop maximum ~~food stamp~~ SNAP benefit amounts, USDA makes adjustments in the MFSA taking into account economies of scale and other adjustments required by law.

(2) Except when ~~food stamp~~ SNAP benefits are prorated and when reductions are made at the national level, a household's monthly ~~food stamp~~ SNAP benefit amount is equal to the MFSA for the household's size reduced by thirty percent (30%) of its net monthly income. The basis of issuance tables (supplement 400-B) contain the maximum ~~food stamp~~ SNAP benefit amounts by household size and income.

(3) If the tables (supplement 400-B) are not used, the maximum ~~food stamp~~ 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 ~~food stamp~~ SNAP benefit amount for the initial month of certification will be based on the day of the month the household applies for ~~food stamp~~ SNAP benefits. The household receives ~~food stamp~~ 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 ~~food stamp~~ SNAP benefits before release from an institution, the ~~food stamp~~ 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 ~~food stamp~~ 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 ~~food stamp~~ SNAP benefit amount of less than \$10, then no issuance will be made for the initial month. For households entitled to no ~~food stamp~~ SNAP benefits in the initial month, but eligible in subsequent months, the caseworker shall certify a household beginning with the month of application.

~~(3) Combined issuance:~~ A household will receive benefits for the month of application and the following month, and without regard to the household's designated issuance date in the second month, when the household has completed the application and interview process; provided all required verification; has been determined eligible for food stamp benefits in the initial month and the following month; and approval occurs in the month following the month of application.

~~(4) Not entitled to combined issuance:~~ The following households will not be entitled to combined issuance of the food stamp benefits:

~~(a) a household certified for one month only;~~

~~_____ (b) a household determined ineligible for the month of application, but eligible for the second month;~~

~~_____ (c) a household entitled to expedited service who must provide postponed verification to obtain the second month's food stamp benefits; and~~

~~_____ (d) a household that has been recertified.~~

~~**D. Expedited service:** Households eligible for expedited service will receive benefits for the application month. All verification, except identification, may be postponed. If certified for more than one month, benefits for the following month are held until postponed verification is provided. If verification is not provided, benefit issuance may not continue. The case is closed on the 30th day after application.]~~

E. 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 ~~[food stamp]~~ SNAP benefit amount of \$16.00.

(2) All eligible households with three or more members entitled to \$1.00, \$3.00, and \$5.00 ~~[food stamp]~~ SNAP benefit amounts will receive ~~[food stamp]~~ SNAP benefit amounts of \$2.00, \$4.00, and \$6.00, respectively, to correspond with current coupon book denominations.

[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]