



HUMAN SERVICES  
DEPARTMENT

STATE OF NEW MEXICO  
HUMAN SERVICES DEPARTMENT  
**HUMAN SERVICES REGISTER**

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**I. DEPARTMENT**

HUMAN SERVICES DEPARTMENT

**II. SUBJECT**

ANNUAL ADJUSTMENTS TO INCOME LIMITS

**III. PROGRAMS AFFECTED**

NEW MEXICO WORKS (NMW) CASH ASSISTANCE PROGRAM  
SUPPORT SERVICES PROGRAM  
EDUCATION WORKS PROGRAM  
GENERAL ASSISTANCE PROGRAMS  
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

**IV. ACTION**

TEMPORARY EMERGENCY AMENDMENTS

**V. BACKGROUND**

The New Mexico Human Services Department (HSD) is issuing a temporary emergency rule to be effective October 1, 2021.

Each year the Department is required to update the income and resource eligibility standards and the deduction amounts available to otherwise eligible households as determined by the Cost-of-Living Adjustments (COLA) determined by the United States Department of Agriculture (USDA) and Food and Nutrition Services (FNS).

The Department received notification of the COLA amounts on August 9, 2021 and the amount of the adjustments to the Supplemental Nutrition Assistance Program (SNAP) Thrifty Food Plan. On August 16, 2021, HSD received the minimum and maximum allotments for SNAP. The Department received notice of the federal COLA with less than sixty days to implement the changes and has insufficient time to follow the regular rulemaking process. Therefore, the Department is implementing an emergency rule in order to remain federally compliant. Failure to implement these changes after October 1<sup>st</sup> would place the Department in violation of Federal law.

Benefits adjustments are effective the month of October 2021 for Federal Fiscal Year (FFY) 2022 to comply with federal law and regulations.

**Concise Explanatory Statement:**

Regulations issued pursuant to the act are contained in 45 CFR Parts 200-299. Administration of the Human Services Department (HSD), including its authority to promulgate regulations, is governed by Chapter 9, Article 8, NMSA 1978 (Repl. 1983). The Department must promulgate these rules and make them effective no later than October 1, 2021, to be in compliance with Federal law. The emergency rulemaking process is necessary to avoid placing the Department in violation of federal law.

**VI. EFFECTIVE DATE**

October 1, 2021

**IX. PUBLICATION**

Publication of these emergency amendments approved on  
9/1/2021  
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DocuSigned by:  
*Angela Medrano*  
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**Angela Medrano, Deputy Cabinet Secretary**  
**Signing electronically on behalf of D.S**

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DAVID R. SCRASE, MD., SECRETARY  
HUMAN SERVICES DEPARTMENT