



STATE OF NEW MEXICO  
HUMAN SERVICES DEPARTMENT



# HUMAN SERVICES REGISTER

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## I. DEPARTMENT

HUMAN SERVICES DEPARTMENT

## II. SUBJECT

AMENDMENTS TO THE NEW MEXICO MODIFIED COMBINED APPLICATION  
PROJECT (NMCAP)

## III. PROGRAMS AFFECTED

NEW MEXICO MODIFIED COMBINED APPLICATION PROJECT

## IV. ACTION

FINAL RULE

## V. BACKGROUND

The Department is finalizing regulations that were proposed in the Human Services Register Vol. 39 No.21.

The following sections of New Mexico Administrative Code (NMAC) are being finalized for alignment with the Code of Federal Regulations (CFR) to include:

- The NMAC provision is being repealed at the end of participants' 3 year finite program eligibility according to the program's federal sunset clause.
- Participants still eligible will remain on the program without a change to their benefits through the end of their certification period.

A public hearing was held on March 15, 2017, where three people attended and only two provided verbal comments. Written comments were also received. The comments and responses are summarized below. No edits were made to the proposed regulation based on the public comments provided.

**Comment:** *The Department must comply with the law when making changes to the SNAP program that affect low-income New Mexicans.*

**Response:** The New Mexico Combined Application Program was a program that had a finite start and ending period, per the Food and Nutrition Services (“FNS”) of USDA. The program also had specific criteria for its continuance within that finite time period. One of the criteria was that the program had to maintain cost neutrality to remain viable. HSD ended the program with FNS’ approval because cost neutrality was not maintained. It is HSD’s position that a program structured by FNS does not require public comment on its beginning and ending; but that participants will be individually noticed of the program’s end.

HSD promulgated a sunset clause for the end of the program at the time that the last participants were reaching the end of their 3 year benefit period. HSD believes this is appropriate.

Two notices and individual contact via telephone calls were directed to NMCAP program participants in or about February 2014 and March 2014, informing them that their benefits under the program would end and that participants would have to reapply under the standard SNAP program requirements for future benefits.

#### **VI. PUBLICATION DATE**

April 25, 2017

#### **VII. PUBLICATION**

Publication of these final regulations approved on April 5, 2017 by:

  
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**BRENT EARNEST, SECRETARY**  
**HUMAN SERVICES DEPARTMENT**

## VIII. Final Regulations

**This is the FINAL amendment to 8.139.503 NMAC, Section 5**

**8.139.503.5 EFFECTIVE DATE:** ~~[June 1, 2009, unless a later date is cited at the end of a section.]~~ This pilot program sunsetted effective May 2014.

[NMCAP cases that are eligible via the program's parameters remain effective until the end of their three year eligibility. Active NMCAP cases past their three year eligibility via this program will be eligible to apply to receive regular SNAP.]

[8.139.503.5 NMAC - N, 06/01/2009; A, 05/01/2017]