



STATE OF NEW MEXICO
HUMAN SERVICES DEPARTMENT
HUMAN SERVICES REGISTER

I. DEPARTMENT

HUMAN SERVICES DEPARTMENT (HSD)

II. SUBJECT

CASH ASSISTANCE PROGRAM

REMOVAL OF THE BUDGETARY ALLOWANCE

III. PROGRAMS AFFECTED

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)
NEW MEXICO WORKS PROGRAM (NMW)
EDUCATION WORKS PROGRAM (EWP)
STATE FUNDED ALIENS (SFA)

IV. ACTION

PROPOSED RULE

V. BACKGROUND

The HSD is promulgating proposed regulations to the Cash Assistance Program, administered by the Human Services Department, including its authority to promulgate regulations, and is governed by chapter 27, article 2B, section 7, of New Mexico Works Act, NMSA 1978 and chapter 27, article 2D, section 5 of the Education Works Act, NMSA 1978.

The HSD is proposing to:

- Remove the 7.5% Budgetary Adjustment amount from the calculation of monthly benefits for TANF, NMW Program, EWP, SFA. The effect of this change will be an increase to monthly benefit amounts.
- As requested by HSD, the Fiscal Year 2019 appropriated to HSD included funding to eliminate the 7.5% budget adjustment.
- This change went into effect on July 1, 2018, and this proposed rule aligns with the change.

Concise Explanatory Statement:

- The Human Services Department implemented a 15% Budgetary Adjustment of the NMW cash assistance amount. The State of New Mexico was reaching the maximum expenditures due to budgetary constraints. This allowed the Department to implement a new calculation methodology to determine the monthly benefit amount. In August 2015, the Department reduced the budgetary adjustment to 7.5% which increased the monthly benefits. The Department is now proposing to remove the remaining 7.5% budgetary adjustment. The above mentioned programs are state and federally funded.

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).

VI. PROPOSED REGULATIONS

This register and proposed regulations are also available on the New Mexico Human Services Department (HSD) website at: <http://www.hsd.state.nm.us/LookingForInformation/income-support-division-registers.aspx>.

If you do not have Internet access, a copy of the proposed regulations may be requested by contacting the Income Support Division, P.O. Box 2348, Santa Fe, New Mexico 87504-2348 or by calling 505-827-7250 or 505-827-7289.

A public hearing, will be held by HSD, to allow comment on the proposed amendments of the Cash Assistance Program regulations, on Monday, October 1, 2018, from 9:30 a.m. to 10:30 a.m. It will be located at HSD Administrative Services Division (ASD) Rodeo Building, 1474 Rodeo Road, Santa Fe, NM 87505 in the ASD conference room on the first floor to the left of the elevators. Individuals wishing to testify may contact the Income Support Division, P.O. Box 2348, Santa Fe, NM 87504-2348, or by calling (505) 827-7289. 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 American Disabilities Act Coordinator, at 505-827-6201 or through the New Mexico Relay system, toll free at #711. The Department requests at least a 10-day advance notice to provide requested alternative formats and special accommodations.

VII. PUBLICATION DATE

August 28, 2018

VIII. ADDRESS

Individuals who do not wish to attend the hearing may submit written or recorded comments. Written or recorded comments must be received by 5:00 p.m. on the date of the hearing, October 1, 2018. Please send comments to:

Human Services Department
P.O. Box 2348,
Santa Fe, New Mexico 87504-2348

You may send comments electronically to: HSD-isdrules@state.nm.us

IX. PUBLICATION

Publication of these proposed regulations approved on August 9, 2018
by:



BRENT EARNEST, SECRETARY
HUMAN SERVICES DEPARTMENT

This is an amendment to 8.102.620, Section 9, effective 11/1/2018.

8.102.620.9 GRANT DETERMINATION:

A. Determining the payment standard: The payment standard shall be determined based on the eligibility standards and requirements forth in 8.102.500.8 NMAC. The payment standard also includes the special clothing allowance.

B. Determining benefit group income: The benefit group's net countable income considered in the payment determination shall be the sum of:

- (1) gross alien sponsor income;
- (2) countable earnings after allowable deductions and disregards of benefit group members;

and

- (3) gross unearned income of benefit group members.
- (4) the net income calculation is rounded down removing the cents.

C. Determining the grant: A benefit group whose countable income after allowed deductions and disregards equals or exceeds the standard of need applicable to the benefit group shall not be eligible for payment. The grant shall be a monthly benefit amount determined [using the following methodology:

~~(1) subtract~~ by subtracting the benefit group's net countable income from the payment standard applicable to the benefit group]; and

~~(2) further subtract the following budgetary adjustment amounts to establish the monthly benefit amount:~~

- ~~(a) one person \$22~~
- ~~(b) two persons \$30~~
- ~~(c) three persons \$38~~
- ~~(d) four persons \$46~~
- ~~(e) five persons \$54~~
- ~~(f) six persons \$62~~
- ~~(g) seven persons \$69~~
- ~~(h) eight persons \$79~~
- ~~(i) for households with nine or more benefit group members, subtract an additional \$8 for each member].~~

[8.102.620.9 NMAC - Rp 8.102.620.9 NMAC, 07/01/2001; A, 11/15/2007; A, 01/01/2011; A, 07/01/2013; A, 08/01/2015; A, 11/1/2018]