



State of New Mexico  
Human Services Department  
**Human Services Register**



**I. DEPARTMENT**

NEW MEXICO HUMAN SERVICES DEPARTMENT (HSD)

**II. SUBJECT**

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)  
ANNUAL ADJUSTMENTS TO INCOME LIMITS, STANDARDS,  
DEDUCTIONS AND MAXIMUM SNAP/FOOD STAMP ALLOTMENT; RESOURCE  
ELIGIBILITY STANDARDS

and

NEW MEXICO WORKS (NMW), EDUCATION WORKS AND  
SUPPORT SERVICES

ANNUAL ADJUSTMENTS TO INCOME LIMITS

and

GENERAL ASSISTANCE ANNUAL ADJUSTMENTS TO  
INCOME LIMITS

**III. PROGRAM AFFECTED**

SNAP

NMW CASH ASSISTANCE PROGRAM

SUPPORT SERVICES PROGRAM

EDUCATION WORKS PROGRAM

GENERAL ASSISTANCE

**IV. ACTION**

FINAL RULE

**V. BACKGROUND SUMMARY**

Each year the Department is required to make changes to the SNAP, NMW, Education Works and General Assistance Program income limits for participation, income eligibility standards, resource eligibility standards and deductions available to otherwise eligible households. These amounts are determined by United States Department of Agriculture (USDA), Food and Nutrition Services (FNS).

## VI. CONCISE EXPLANATORY STATEMENT

- The Human Services Department adopted the rule:
  - February 1, 2018
- Specific Statutory or other authority authorizing the rule:
  - Under the statutory authority of the food stamp program as authorized by the Food Stamp Act of 1977 as amended (7 U.S.C. 2011 et. seq.). Regulations issued pursuant to the act are contained in 7 CFR Parts 270-282. State authority for administering the food stamp program is contained in Chapter 27 NMSA, 1978.
  - New Mexico Statutes Annotated 1978 (Chapter 27, Articles 1 and 2) authorize the state to administer the aid to families with dependent children (AFDC), general assistance (GA), shelter care supplement, the burial assistance programs and such other public welfare functions as may be assumed by the state.
  - Federal legislation contained in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 abolished the AFDC program. The federal act created the temporary assistance for needy families (TANF) block grant under Title IV of the Social Security Act.
  - Through the New Mexico Works Act of 1998, the New Mexico works program was created to replace the aid to families with dependent children program. Under authority granted to the governor by the federal Social Security Act, the human services department is designated as the state agency responsible for the TANF program in New Mexico.
  - Effective April 1, 1998, in accordance with the requirements of the New Mexico Works Act and Title IV-A of the federal Social Security Act, the Department is creating the New Mexico works program as one of its cash assistance programs. In close coordination with the NMW program, the department administers the supplemental nutrition assistance program (SNAP) employment and training program (E&T) pursuant to the Food Security Act of 1985 and federal regulations at Title 7, Code of Federal Regulations.
- Findings required by a provision of law for adoption of the rule:
  - Adoption of this rule is required to make changes to the SNAP, NMW, Education Works and General Assistance Program income limits for participation, income eligibility standards, resource eligibility standards and deductions available to otherwise eligible households.

## VII. SUMMARY OF COMMENTS

A public hearing was held on December 29, 2017 to receive public comments and testimony on this proposed rule. The Human Services Department (the Department) did not receive any oral testimony or recorded comments and received two written comments.

### Comment:

*The Department received comments referencing 8.102.500.8(B)(C) and 8.106.500.8(D) NMAC. The regulations incorrectly state the New Mexico Works (NMW) program and the General Assistance program income eligibility limits can be found on the Food and Nutrition Service website for SNAP benefits.*

**NMHSD Response:**

The Department changed the website reference in the final rule to the guideline chart as was previously used in the rule.

For consistency, the Department changed the website reference in section 8.139.500.8 (E)(2) NMAC from [www.hsd.state.nm.us](http://www.hsd.state.nm.us) to:

[http://www.hsd.state.nm.us/LookingForInformation/Federal Poverty Level Guidelines.aspx](http://www.hsd.state.nm.us/LookingForInformation/Federal_Poverty_Level_Guidelines.aspx)

**Comment:**

*The Department received a comment requesting that there be no changes to the information found at:*

[http://www.hsd.state.nm.us/LookingForInformation/Federal Poverty Level Guidelines.aspx](http://www.hsd.state.nm.us/LookingForInformation/Federal_Poverty_Level_Guidelines.aspx)  
*without allowing public comment.*

**NMHSD Response:**

The Department promulgates rules according to the administration of the Human Services Department (HSD), including its authority to promulgate regulations, and is governed by Chapter 9, Article 8 NMSA 1978 (Repl. 1983).

**VIII. RULES**

These amendments will be contained in 8.102.500 NMAC, 8.106.500 NMAC, 8.139.500 NMAC. The final register and rule languages are available on the HSD website at: [www.hsd.state.nm.us](http://www.hsd.state.nm.us) and on the Sunshine Portal at [EnterpriseSupportDesk@state.nm.us](mailto:EnterpriseSupportDesk@state.nm.us). If you do not have internet access, a copy of the final register and rules may be requested by contacting Rebecca Larranaga at (505) 827-7254.

**IX. EFFECTIVE DATE**

February 1, 2018

**X. PUBLICATION**

Publication of these final regulations approved on January 17, 2018 by:

  
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BRENT EARNEST, SECRETARY  
HUMAN SERVICES DEPARTMENT

This is an amendment to 8.102.500, Sections 5, 8 and 9 effective 2/01/2018.

**8.102.500.5 EFFECTIVE DATE:** July 1, 2001, unless a later date is cited at the end of a section.  
[8.102.500.5 NMAC - Rp 8.102.500.5 NMAC, 07/01/2001; A/E, 10/01/2017; A, 2/01/2018]

**8.102.500.8 GENERAL REQUIREMENTS:**

**A. Need determination process:** Eligibility for NMW, state funded qualified aliens and EWP cash assistance based on need requires a finding that:

- (1) the benefit group's countable gross monthly income does not exceed the gross income limit for the size of the benefit group;
- (2) the benefit group's countable net income after all allowable deductions does not equal or exceed the standard of need for the size of the benefit group;
- (3) the countable resources owned by and available to the benefit group do not exceed the \$1,500 liquid and \$2,000 non-liquid resource limits;
- (4) the benefit group is eligible for a cash assistance payment after subtracting from the standard of need the benefit group's countable income, and any payment sanctions or recoupments.

**B. Gross income limits:** The total countable gross earned and unearned income of the benefit group cannot exceed eighty-five percent of the federal poverty guidelines for the size of the benefit group.

- (1) Income eligibility limits are revised and adjusted each year in October
- (2) The gross income limit for the size of the benefit group is as follows:
  - (a) one person ~~[\$842]~~ \$854
  - (b) two persons ~~[\$1,135]~~ \$1,151
  - (c) three persons ~~[\$1,428]~~ \$1,447
  - (d) four persons ~~[\$1,721]~~ \$1,743
  - (e) five persons ~~[\$2,015]~~ \$2,039
  - (f) six persons ~~[\$2,308]~~ \$2,335
  - (g) seven persons ~~[\$2,602]~~ \$2,631
  - (h) eight persons ~~[\$2,897]~~ \$2,927
  - (i) add ~~[\$295]~~ \$296 for each additional person.

**C. Eligibility for support services only:** Subject to the availability of state and federal funds, a benefit group that is not receiving cash assistance but has countable gross income that is less than one hundred percent of the federal poverty guidelines applicable to the size of the benefit group may be eligible to receive services. The gross income guidelines for the size of the benefit group are as follows:

- (1) one person ~~[\$990]~~ \$1,005
- (2) two persons ~~[\$1,335]~~ \$1,354
- (3) three persons ~~[\$1,680]~~ \$1,702
- (4) four persons ~~[\$2,025]~~ \$2,050
- (5) five persons ~~[\$2,370]~~ \$2,399
- (6) six persons ~~[\$2,715]~~ \$2,747
- (7) seven persons ~~[\$3,061]~~ \$3,095
- (8) eight persons ~~[\$3,408]~~ \$3,444
- (9) add ~~[\$347]~~ \$349 for each additional person.

**D. Standard of need:**

(1) The standard of need is based on the number of participants included in the benefit group and allows for a financial standard and basic needs.

(2) Basic needs include food, clothing, shelter, utilities, personal requirements and the participant's share of benefit group supplies.

(3) The financial standard includes approximately \$91 per month for each participant in the benefit group.

(4) The standard of need for the NMW, state funded qualified aliens, and EWP cash assistance benefit group is:

- (a) one person \$266
- (b) two persons \$357
- (c) three persons \$447
- (d) four persons \$539
- (e) five persons \$630

- (f) six persons \$721
- (g) seven persons \$812
- (h) eight persons \$922
- (i) add \$91 for each additional person.

**E. Special needs:**

(1) **Special clothing allowance:** A special clothing allowance may be issued to assist in preparing a child for school, subject to the availability of state or federal funds and a specific allocation of the available funds for this allowance.

(a) For purposes of determining eligibility for the clothing allowance, a child is considered to be of school age if the child is six years of age or older and less than age 19 by the end of August.

(b) The clothing allowance shall be allowed for each school-age child who is included in the NMW, TBP, state funded qualified aliens, or EWP cash assistance benefit group, subject to the availability of state or federal funds.

(c) The clothing allowance is not allowed in determining eligibility for NMW, TBP, state funded qualified aliens, or EWP cash assistance.

(2) **Layette:** A one-time layette allowance of \$25 is allowed upon the birth of a child who is included in the benefit group. The allowance shall be authorized by no later than the end of the month following the month in which the child is born.

(3) **Special circumstance:** Dependent upon the availability of funds and in accordance with the federal act, the HSD secretary, may establish a separate, non-recurring, cash assistance program that may waive certain New Mexico Works Act requirements due to a specific situation. This cash assistance program shall not exceed a four month time period, and is not intended to meet recurrent or ongoing needs.

**F. Non-inclusion of legal guardian in benefit group:** Based on the availability of state and federal funds, the department may limit the eligibility of a benefit group due to the fact that a legal guardian is not included in the benefit group.

[8.102.500.8 NMAC - Rp 8.102.500.8 NMAC, 07/01/2001; A, 10/01/2001; A, 10/01/2002; A, 10/01/2003; A/E, 10/01/2004; A/E, 10/01/2005; A, 7/17/2006; A/E, 10/01/2006; A/E, 10/01/2007; A, 11/15/2007; A, 01/01/2008; A/E, 10/01/2008; A, 08/01/2009; A, 08/14/2009; A/E, 10/01/2009; A, 10/30/2009; A, 01/01/2011; A, 01/01/2011; A, 07/29/2011; A/E, 10/01/2011; A/E, 10/01/2012; A/E, 10/01/2013; A/E, 10/01/2014; A, 10/01/2015; A, 10/01/2016; A/E, 10/01/2017; A, 2/01/2018]

**8.102.500.9 PROSPECTIVE BUDGETING:**

**A.** Eligibility for cash assistance programs shall be determined prospectively. The benefit group must meet all eligibility criteria in the month following the month of disposition. Eligibility and amount of payment shall be determined prospectively for each month in the certification period.

**B. [Semiannual] Simplified reporting:** A benefit group subject to [~~semiannual~~] simplified reporting shall be subject to income methodology as specified in Subsection [~~H~~] E of 8.102.120.11 NMAC.

**C. Changes in benefit group composition:** A person added to the benefit group shall have eligibility determined prospectively beginning in the month following the month the report is made.

**D. Anticipating income:** In determining the benefit group's eligibility and benefit amount, the income already received and any income the benefit group expects to receive during the certification period shall be used.

(1) Income anticipated during the certification period shall be counted only in the month it is expected to be received, unless the income is averaged.

(2) Actual income shall be calculated by using the income already received and any other income that can reasonably be anticipated in the calendar month.

(3) If the amount of income or date of receipt is uncertain, the portion of the income that is uncertain shall not be counted.

(4) In cases where the receipt of income is reasonably certain but the amount may fluctuate, the income shall be averaged.

(5) Averaging is used to determine a monthly calculation when there is fluctuating income within the weekly, biweekly, or monthly pay period and to achieve a uniform amount for projecting.

**E. Income received less frequently than monthly:** The amount of monthly gross income that is received less frequently than monthly is determined by dividing the total income by the number of months the income is intended to cover. This includes, but is not limited to, income from sharecropping, farming, and self-employment. It includes contract income as well as income for a tenured teacher who may not actually have a

contract.

**F. Contract income:** A benefit group that derives its annual income in a period of less than one year shall have that income averaged over a 12-month period, provided that the income is not received on an hourly or piecework basis.

**G. Using exact income:** Exact income, rather than averaged income, shall be used if:

- (1) the benefit group has chosen not to average income;
- (2) income is from a source terminated in the month of application;
- (3) employment began in the application month and the income represents only a partial month;
- (4) income is received more frequently than weekly.

**H. Income projection:** Earned income shall be anticipated as described below.

(1) Earned income shall be anticipated based on income received when the following criteria are met:

(a) the applicant and the caseworker are reasonably certain the income amounts received are indicative of future income and expected to continue during the certification; and

(b) the anticipated income is based on income received from any consecutive 30-day period that includes 30 days prior to the date of application through the date of timely disposition of the application.

(2) When the applicant and the caseworker determine that the income received is not indicative of future income that will be received during the certification period, a longer period of time may be used if it will provide a more accurate indicator of anticipated income.

(3) Provided the applicant and the caseworker are reasonably certain the income amounts are indicative of future income, the anticipated income shall be used for the month of application and the remaining months of the certification period.

**I. Unearned income:**

(1) Unearned income shall be anticipated based on income received when the following criteria are met:

(a) the applicant and the caseworker are reasonably certain the income amounts received are indicative of future income and expected to continue during the certification; and

(b) the anticipated income is based on income received from any consecutive 30-day period that includes 30 days prior to the date of application through the date of timely disposition of the application.

(2) When the applicant and the caseworker determine that the income received is not indicative of future income that will be received during the certification period, a longer period of time may be used if it will provide a more accurate indicator of anticipated income.

(3) Provided the applicant and the caseworker are reasonably certain the income amounts are indicative of future income, the anticipated income shall be used for the month of application and the remaining months of the certification period.

**J. Use of conversion factors:** Whenever a full month's income is anticipated and is received on a weekly or biweekly basis, the income shall be converted to monthly amount as follows:

(1) income received on a weekly basis is averaged and multiplied by 4.0;

(2) income received on a biweekly basis is averaged and multiplied by 2.0;

(3) averaged income shall be rounded to the nearest whole dollar prior to application of the conversion factor; amounts resulting in \$.50 or more are rounded up; amounts resulting in \$.49 or lower are rounded down.

[8.102.500.9 NMAC - Rp 8.102.500.9 NMAC, 07/01/2001; A 02/14/2002; A, 01/01/2004; A, 11/15/2007; A, 04/01/2010; A/E, 10/01/2017; A, 2/01/2018]

This is an amendment to 8.106.500, Section 8 effective 2/01/2018.

**8.106.500.8 GA - GENERAL REQUIREMENTS:**

A. Limited state funds may result in a suspension or reduction in general assistance benefits without eligibility and need considered.

B. **Need determination process:** Eligibility for the GA program based on need requires a finding that the:

(1) countable resources owned by and available to the benefit group do not exceed either the \$1,500 liquid or \$2,000 non-liquid resource limit;

(2) benefit group's countable gross earned and unearned income does not equal or exceed eighty-five percent of the federal poverty guideline for the size of the benefit group; and

(3) benefit group's countable net income does not equal or exceed the standard of need for the size of the benefit group.

C. **GA payment determination:** The benefit group's cash assistance payment is determined after subtracting from the standard of need the benefit group's countable income and any payment sanctions or recoupments.

D. **Gross income test:** The total countable gross earned and unearned income of the benefit group cannot exceed eighty-five percent of the federal poverty guidelines for the size of the benefit group.

(1) Income eligibility limits are revised and adjusted each year in October

(2) The gross income limit for the size of the benefit group is as follows:

(a)	one person	<del>[\$842]</del>	<u>\$854</u>
(b)	two persons	<del>[\$1,135]</del>	<u>\$1,151</u>
(c)	three persons	<del>[\$1,428]</del>	<u>\$1,447</u>
(d)	four persons	<del>[\$1,721]</del>	<u>\$1,743</u>
(e)	five persons	<del>[\$2,015]</del>	<u>\$2,039</u>
(f)	six persons	<del>[\$2,308]</del>	<u>\$2,335</u>
(g)	seven persons	<del>[\$2,602]</del>	<u>\$2,631</u>
(h)	eight persons	<del>[\$2,897]</del>	<u>\$2,927</u>
(i)	add <del>[\$295]</del> <u>\$296</u> for each additional person.		

E. **Standard of need:**

(1) As published monthly by the department, the standard of need is an amount provided to each GA cash assistance benefit group on a monthly basis and is based on availability of state funds, the number of individuals included in the benefit group, number of cases, number of applications processed and approved, application approval rate, number of case closures, IAR caseload number and expenditures, and number of pending applications.

(2) Basic needs include food, clothing, shelter, utilities, personal requirements and an individual benefit group member's share of supplies.

(3) **Notice:** The department shall issue prior public notice identifying any change(s) to the standard of need amounts for the next quarter, as discussed at 8.106.630.11 NMAC.

F. **Net income test:** The total countable earned and unearned income of the benefit group after all allowable deductions cannot equal or exceed the standard of need for the size of the GA benefit group. After the countable net income is determined it is rounded down prior to the comparison of the household's income to the standard of need to determine the households monthly benefit amount.

G. **Special clothing allowance for school-age dependent children:** A special clothing allowance may be issued to assist in preparing a child for school, subject to the availability of state or federal funds and a specific allocation of the available funds for this allowance.

(1) For purposes of determining eligibility for the clothing allowance, a child is considered to be of school age if the child is six years of age or older and less than age 19 by the end of August.

(2) The clothing allowance shall be allowed for each school-age child who is included in the GA cash assistance benefit group, subject to the availability of state or federal funds.

(3) The clothing allowance is not counted in determining eligibility for GA cash assistance.

H. **Supplemental issuance:** A one-time supplemental issuance may be distributed to recipients of GA for disabled adults based on the sole discretion of the secretary of the human services department and the availability of state funds.

(1) The one time supplemental issuance may be no more than the standard GA payment made during the month the GA payment was issued.

(2) To be eligible to receive the one time supplement, a GA application must be active and determined eligible no later than the last day of the month in the month the one time supplement is issued.  
[8.106.500.8 NMAC - N, 07/01/2004; A/E, 10/01/2004; A/E, 10/01/2005; A, 7/17/2006; A/E, 10/01/2006; A/E, 10/01/2007; A, 01/01/2008; A, 06/16/2008; A/E, 10/01/2008; A, 07/01/2009; A/E, 10/01/2009; A, 10/30/2009; A, 12/01/2009; A, 01/01/2011; A, 07/29/2011; A/E, 10/01/2011; A/E, 10/01/2012; A, 07/01/2013; A/E, 10/01/2013; A/E, 10/01/2014; A, 10/01/2015; A, 10/01/2016; A/E, 10/01/2017; A, 2/01/2018]



This is an amendment to 8.139.500 NMAC, Sections 8 and 10, effective 2/01/2018.

**8.139.500.8 BASIS OF ISSUANCE:**

**A. Income standards:** Determination of need in [the food stamp program] SNAP is based on federal guidelines. Participation in the program is limited to households whose income is determined to be a substantial limiting factor in permitting them to obtain a nutritious diet. The net and gross income eligibility standards are based on the federal income poverty levels established in the Community Services Block Grant Act [42 USC 9902(2)].

**B. Gross income standards:** The gross income eligibility standards for the 48 contiguous states, District of Columbia, Guam and the Virgin islands is one hundred thirty percent of the federal income poverty levels for the 48 states and the District of Columbia. One hundred thirty percent of the annual income poverty guidelines is divided by 12 to determine monthly gross income standards, rounding the results upward as necessary. For households larger than eight, the increment in the federal income poverty guidelines is multiplied by one hundred thirty percent, divided by 12, and the results rounded upward if necessary.

**C. Net income standards:** The net income eligibility standards for the 48 contiguous states, District of Columbia, Guam and the Virgin islands are the federal income poverty levels for the 48 contiguous states and the District of Columbia. The annual income poverty guidelines are divided by 12 to determine monthly net income eligibility standards, (results rounded upward if necessary). For households larger than eight, the increment in the federal income poverty guidelines is divided by 12, and the results rounded upward if necessary.

**D. Yearly adjustment:** Income eligibility limits are revised each October 1st to reflect the annual adjustment to the federal income poverty guidelines for the 48 contiguous states and the District of Columbia and can be found at <https://www.fns.usda.gov/snap/cost-living-adjustment-cola-information>.

~~**E. Issuance table:** The issuance table lists applicable income guidelines used to determine SNAP eligibility based on household size. Some amounts are increased to meet the needs of certain categorically eligible households. Some of the net income amounts listed are higher than the income limits for some household sizes. Households not categorically eligible for SNAP benefits must have income below the appropriate gross income limit for household size.~~

Household Size	Maximum-Gross Monthly-Income Categorical Eligibility-at 165%-of-Poverty	Maximum-Gross Monthly-Income At 130%-of Poverty	Maximum-Net Monthly-Income At 100%-of Poverty	Maximum-SNAP Monthly Allotment
1	\$1,634	\$1,287	\$990	\$194
2	\$2,203	\$1,736	\$1,335	\$357
3	\$2,772	\$2,184	\$1,680	\$511
4	\$3,342	\$2,633	\$2,025	\$649
5	\$3,911	\$3,081	\$2,370	\$771
6	\$4,480	\$3,530	\$2,715	\$925
7	\$5,051	\$3,980	\$3,061	\$1,022
8	\$5,623	\$4,430	\$3,408	\$1,169
\$-Each Additional Member	+\$572	+\$451	+\$347	+\$146]

~~[F.]~~ **E. Deductions and standards:**

(1) **Determination:** Expense and standard deduction amounts are determined by federal guidelines and may be adjusted each year. Households eligible based on income and resource guidelines, and other relevant eligibility factors, are allowed certain deductions to determine countable income.

(2) **Yearly adjustment:** The expense and standard deductions may change each year. If federal guidelines mandate a change, it is effective each October 1st, and can be found at <https://www.fns.usda.gov/snap/cost-living-adjustment-cola-information> and [http://www.hsd.state.nm.us/LookingForInformation/Federal\\_Poverty\\_Level\\_Guidelines.aspx](http://www.hsd.state.nm.us/LookingForInformation/Federal_Poverty_Level_Guidelines.aspx)

~~(3) Expense deductions and standards table:~~

Standard Deduction for Household-Size of 1-through-3	\$157
Standard Deduction for Household-of-4	\$168
Standard Deduction for Household-Size-of-5	\$197

Standard Deduction for Household Size of 6 or more	\$226
Earned Income Deduction (EID)	20%
Dependent Care Deduction	Actual Amount
Heating/Cooling Standard Utility Allowance (HCSUA)	\$325
Limited Utility Allowance (LUA)	\$125
Telephone Standard (TS)	\$40
Excess Shelter Cost Deduction Limit for Non-Elderly/Non-Disabled Households	\$517
Homeless Household Shelter Standard	\$143
Minimum Allotment for Eligible One and Two-Person Households	\$16]

[02/1/95, 10/01/95, 02/29/96, 10/01/96, 3/15/97, 01/15/98, 11/15/98, 12/15/99, 01/01/01, 03/01/01; 8.139.500.8 NMAC - Rn, 8 NMAC 3.FSP.501, 05/15/2001; A, 10/01/2001; A, 10/01/2002, A, 09/01/2003; A, 10/01/2003; A/E, 10/01/2004; A/E, 10/01/2005; A/E, 10/01/2006; A/E, 10/01/2007; A/E, 10/01/2008; A/E, 04/01/2009; A/E, 10/01/2009; A, 10/30/2009; A, 04/01/2010; A/E, 10/01/2010; A/E, 10/01/2011; A/E, 10/01/2012; A/E, 10/01/2013; A/E, 10/01/2014; A, 04/16/2015; A, 10/01/2015; A, 10/01/2016; A/E, 10/01/2017; A, 2/01/2018]

**8.139.500.10 DETERMINING INCOME:**

**A. Anticipating income:** In determining a household's eligibility and SNAP benefit amount [the caseworker] ISD shall use income already received by the household during the certification period and any income the household and [the caseworker] ISD are reasonably certain shall be received during the remainder of the certification period.

(1) If the amount of income or date of receipt is uncertain, that portion of the household's income that is uncertain shall not be counted.

(2) If the exact amount of the income is not known, that portion of the income which can be anticipated with reasonable certainty shall be considered income.

(3) In cases where the receipt of income is reasonably certain but the monthly amount may fluctuate, a household may choose to average its income.

**B. Income received during any past 30-day consecutive period that includes 30 days prior to the date of application through the date of timely disposition shall be used as an indicator of the income that is and shall be available to the household during the certification period.**

(1) Past income is not used as an indicator of income anticipated for the certification period if changes in income have occurred or can be anticipated during the certification period.

(2) If income fluctuates to the extent that a single four-week period does not provide an accurate indication of anticipated income, a longer period of past time can be used if it gives a more accurate indication of anticipated fluctuations in income.

(3) Income already received is not used and verification is obtained from the income source, if the household and [the caseworker] ISD decide that income already received by the household is not indicative of income expected to be received in future months.

**C. Simplified reporting:** A household filing an interim report form is subject to the income methodology specified at 8.139.500.9 NMAC.

**D. Income anticipated during the certification period shall be counted only in the month it is expected to be received, unless the income is averaged.**

**E. Use of conversion factors:** Whenever a full month's income is anticipated and is received on a weekly or biweekly basis, the income shall be converted to monthly amount as follows:

(1) income received on a weekly basis is averaged and multiplied by four;

(2) income received on a biweekly basis is averaged and multiplied by two;

(3) averaged income shall be rounded to the nearest whole dollar prior to application of the conversion factor; amounts resulting in \$.50 or more are rounded up; amounts resulting in \$.49 or lower are rounded down.

**F. Held wages:**

(1) Wages withheld at the request of an employee shall be considered income to a household in the month the wages would otherwise have been paid by the employer.

(2) Wages withheld by the employer as a general practice, even in violation of the law, shall not be counted as income to a household, unless the household anticipates that it will ask for and receive an advance.

(3) If a household anticipates asking for and receiving income from wages that were previously withheld by the employer as a general practice, the income shall be counted to determine eligibility.

**G. Earned income:**

(1) Earned income shall be anticipated based on income received when the following criteria are met:

- (a) the applicant and [the caseworker] ISD are reasonably certain the income amounts received are indicative of future income and expected to continue during the certification period; and
- (b) the anticipated income is based on income received from any consecutive past 30-day period that includes 30 days prior to the date of application through the date of timely disposition of the application.

(2) When the applicant and [the caseworker] ISD determine that the income received is not indicative of future income that will be received during the certification period, a longer period of time may be used if it will provide a more accurate indicator of anticipated income.

(3) Provided the applicant and [the caseworker] ISD are reasonably certain the income amounts are indicative of future income, the anticipated income shall be used for the month of application and the remaining months of the certification period.

**H. Unearned income:**

(1) Unearned income shall be anticipated based on income received when the following criteria are met:

- (a) the applicant and [the caseworker] ISD are reasonably certain the income amounts received are indicative of future income and expected to continue during the certification; and
- (b) the anticipated income is based on income received from any consecutive past 30-day period that includes 30 days prior to the date of application through the date of timely disposition of the application.

(2) When the applicant and [the caseworker] ISD determine that the income received is not indicative of future income that will be received during the certification period, a longer period of time may be used if it will provide a more accurate indicator of anticipated income.

(3) Provided the applicant and [the caseworker] ISD are reasonably certain the income amounts are indicative of future income, the anticipated income shall be used for the month of application and the remaining months of the certification period.

(4) Households receiving state or federal assistance payments, such as Title IV-A, GA, SSI or social security payments on a recurring monthly basis are not considered to have varied monthly income from these sources simply because mailing cycles may cause two payments to be received in one month.

**I. Income received more frequently than weekly:** The amount of monthly gross income paid more frequently than weekly (i.e., daily) is determined by adding all the income received during the past four weeks. The gross income amount is used to anticipate income in the application month and the remainder of the certification period. Conversion factors shall not be applied to this income.

**J. Income received less frequently than monthly:** The amount of monthly gross income paid less frequently than monthly is determined by dividing the total income by the number of months it is intended to cover. [The caseworker] ISD shall carefully explain to the household how the monthly income was computed and what changes might result in a reportable change. Documentation shall be filed in the case record to establish clearly how the anticipated income was computed.

**K. Use of conversion factors:** Whenever a full month's income is anticipated but is received on a weekly or biweekly basis, the income shall be converted to monthly amount as follows:

- (1) income received on a weekly basis is averaged and multiplied by four;
- (2) income received on a biweekly basis is averaged and multiplied by two;
- (3) averaged income shall be rounded to the nearest whole dollar prior to application of the conversion factor; amounts resulting in \$.50 or more are rounded up; amounts resulting in \$.49 or lower are rounded down.

**L. Known changes in income for future months at application:**

(1) At application or recertification, it shall be determined if any factors affecting income will change in future months. Such factors include a new income source, termination of income, or increases or decreases in income.

(2) Income is considered only when the amount of the income and the date it will be received are reasonably certain.

(3) In the event that a change is known for future months, benefits are computed by taking into account the change in income.

**M. Averaging income over the certification period:**

(1) All households may choose to have their income averaged. Income is usually not averaged for destitute households because averaging would result in assigning to the month of application income from future periods which is not available for its current food needs.

(2) To average income, ~~the caseworker~~ ISD uses a household's anticipation of income fluctuations over the certification period. The number of months used to arrive at the average income need not be the same as the number of months in the certification period.

(3) **Contract income:** Households which, by contract, derive their annual income in a period of less than one year shall have that income averaged over a 12-month period, provided that the income is not received on an hourly or piecework basis.

(a) Contract income includes income for school employees, farmers, self-employed households, and individuals who receive annual payments from the sale of real estate.

(b) These procedures do not include migrant or seasonal farm worker households.

(4) **Educational monies:** Households receiving scholarships, deferred educational loans, or other educational grants shall have such income, after exclusions, averaged over the period for which it is provided. All months which the income is intended to cover shall be used to average income, even if the income is received during the certification period. If the period has elapsed completely, the educational monies shall not be considered income.

N. **Using exact income:** Exact income, rather than averaged income, shall be used if:

(1) the household has chosen not to average income;

(2) income is from a source terminated in the application month;

(3) employment has just begun in the application month and the income represents only a partial month;

(4) in the month of application, the household qualifies for expedited service or is considered a destitute, migrant or seasonal farm worker household; or

(5) income is received more frequently than weekly, (i.e., daily).

[02/01/95, 11/01/95, 07/01/97, 06/01/99; 8.139.500.10 NMAC - Rn, 8 NMAC 3.FSP.502.7, 05/15/2001; A, 02/14/2002; A, 01/01/2004; A, 08/30/2007; A, 04/01/2010; A, 09/01/2017; A/E, 10/01/2017; A, 2/01/2018]

This is an amendment to 8.139.510 NMAC, Sections 5 and 8, effective 2/01/2018.

**8.139.510.5** **EFFECTIVE DATE:** February 1, 1995, unless a later date is cited at the end of a section.  
[02/01/95; 8.139.510.5 NMAC - Rn, 8 NMAC 3.FSP.000.5, 05/15/2001; A/E, 10/01/2017; A, 2/01/2018]

**8.139.510.8** **RESOURCE ELIGIBILITY STANDARDS:**

~~A. [The maximum allowable resources, including both liquid and non-liquid assets, of all members of a household cannot exceed:]~~ The maximum allowable resources for a household, including both liquid and non-liquid assets are revised and adjusted each year in October and can be found at <https://www.fns.usda.gov/snap/cost-living-adjustment-cola-information>.

~~[~~ (1) ~~\_\_\_\_\_~~ \$2,250; or

~~(2) ~~\_\_\_\_\_~~ \$3,250 for households consisting of or including a member who is elderly or disabled as defined at Paragraph (28) of Subsection A of 8.139.100.7 NMAC.]~~

**B.** The value of a nonexempt resource is its equity value. Equity value is the fair market value less encumbrances. The value of stocks and bonds, such as U.S. savings bonds, is their cash value, not their face value.

**C.** It is a household's responsibility to report all resources held at the time of application and any anticipated to be received, or that are later received during the certification period, that might place the household's resources above the maximum allowed.

**D. Categorically eligible households:** Households that are categorically eligible do not need to meet the resource limits or provisions of this section.

**E. Sponsored aliens:** For households containing sponsored aliens, a prorated amount of the countable resources of an alien's sponsor and sponsor's spouse (if living with the sponsor) are deemed to be those of the sponsored alien, in accordance with sponsored alien provisions in 8.139.420.9 NMAC.

**F. Non-household members:** The resources of non-household members, defined in 8.139.400.10 NMAC shall not be considered available to the household.

**G. Resources of ineligible or disqualified household members:** The resources of ineligible or disqualified household members shall be counted as available to the household in their entirety. If a resource exclusion applies to a household member, the exclusion shall also apply to the resources of an ineligible or disqualified person whose resources are counted as available to the household.

[02/01/95, 07/01/97, 07/01/98, 06/01/99; 8.139.510.8 NMAC - Rn, 8 NMAC 3.FSP.510, 05/15/2001; A, 02/01/2002; A, 10/01/2002; A, 04/01/2010; A/E, 03/01/2015; A/E, 10/01/2017; A, 2/01/2018]