

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]