

NOTICE OF PUBLIC HEARING

The New Mexico Human Services Department (HSD) will hold a public hearing to allow public comment to adopt the General Provision, SNAP and Cash rules. The Human Services Department (HSD) is proposing to amend the rule to comply with the CFR, provide clarifying language and to consolidate rules into General Provisions that apply to both SNAP and Cash programs to remove redundancy. The rule will be amended under the following statutory authority: 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. 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 hearing will be held on Friday January 17, 2020 from 9:00 a.m. to 10:00 a.m. at the HSD Administrative Services Division (ASD) conference room, 1474 Rodeo Road, Santa Fe, NM 87505.

The Department is promulgating proposed regulations to update the following General Provision rules: Amend 8.100.100 NMAC and 8.100.640 NMAC to add rule regarding the Benefit Issuance System and EBT Adjustments. The Benefit Issuance language is being removed from SNAP regulations to be consolidated into General Provisions as this rule applies to both SNAP and Cash programs. The Department is promulgating proposed regulations to update the following SNAP rules: Amend Subparagraph (a) of Paragraph (4) of Subsection B of 8.139.110.12 NMAC, "Cooperation with quality control (QC): Period of ineligibility." This will align current NMAC regulations with 7 CFR 273.2(d)(2)(i), stating the Quality Control (QC) sanction period is 125 days for the State Sanction and 9 months for the Federal Sanction. Amending this rule ensures that the Department is federally compliant. Remove 8.139.610.8 NMAC Benefit Issuance System and place this rule in General Provisions as this rule applies to both SNAP and Cash programs. The Department is promulgating proposed regulations to update the following Cash Assistance rules: Annual adjustments to the income limits found in 8.102.500 NMAC and 8.106.500 NMAC: Each year the Department is required to make changes to the income and resource eligibility standards and the deduction amounts available to otherwise eligible households. These amounts are determined by the United States Department of Agriculture (USDA) and Food and Nutrition Services (FNS). The Department received notification of the adjusted amounts on July 24, 2019 and made the adjustments effective for benefit month October 2019 for Federal Fiscal Year (FFY) 2020 to comply with federal law and regulations. The emergency rule that was effective October 1, 2019 does not permanently amend or repeal the existing rule and will only remain in effect until this permanent rule takes effect under the normal rule making process. Adding language to 8.106.610.8 NMAC and 8.102.610.8 NMAC to clarify that any Cash benefit less than ten dollars will not be issued, as this amount is counted towards the lifetime limit of an individual and to be in compliance with 45 CFR 233.20. Define who is considered school age, based on the Public Education Department (PED) definition in 8.106.500.8 NMAC. This definition will be used to for the purposes of determining eligibility for the clothing allowance. Remove 8.102.610.9 NMAC Stale Benefit Accounts as this will remain in General Provisions. Remove 8.106.610.10 NMAC Stale Benefit Accounts as this will remain in General Provisions.

The Human Services Register Vol. 42 No. 25 outlining the proposed regulations are available on the HSD's website at: <http://www.hsd.state.nm.us/LookingForInformation/income-support-division-registers.aspx>. Individuals wishing to testify or to request a copy of the proposed regulation should contact the Income Support Division, P.O. Box 2348, Santa Fe, New Mexico 87504-2348, or by calling 505-827-7250 or 505-827-7254.

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, at 711 or toll free at 1-800-659-1779. The Department requests at least a 10-day advance notice to provide requested alternative formats and special accommodations.

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, January 17, 2020. The agency shall post all written comments on its website, if one exists, as soon as practicable and no more than 3 business days following

receipt to allow for public review. All written comments received by the agency shall also be available for public inspection at the main office of the agency. 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