

NOTICE OF PUBLIC HEARING

The HSD is developing a new State Funded Assistance Program, the Heat and Eat Program, that will benefit the citizens of New Mexico to not only receive a supplemental energy assistance payment annually but will also increase their standard utility deduction and the SNAP benefit. The rule is being developed under the following statutory authority: 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.

A public hearing to receive testimony on this proposed rule, pursuant to Section 14-4-5.6 NMSA 1978, will be held on Friday, September 25, 2020 from 9:00am-10:00am. The hearing will be held virtually through GoTo Meeting at this link: <https://global.gotomeeting.com/join/329083717>. Anyone wishing to join via phone may call +1 (646) 749-3122, Access Code: 329-083-717. Written comment may be dropped off during the scheduled hearing time at the HSD Administrative Services Division (ASD) conference room, 1474 Rodeo Road, Santa Fe, NM 87505 if the individual wishes to provide written comment during the scheduled hearing; this drop off site will be for written comment only. The conference room is located on the first floor in the ASD Rodeo Building.

The Department is proposing to add section 8.106.631 NMAC Heat and Eat Program which is a State Funded Assistance Program. The objective of the New Mexico Heat and Eat Program is to provide households with a cash payment to assist with energy expenses to households that do not pay heating or cooling expenses and do not receive Low Income Heating Energy Assistance Program (LIHEAP) but have an identifiable shelter cost. Payments are credited to recipients through a state managed fund. In addition to the energy assistance payment, households who received the Heat and Eat energy assistance payment will see an increase in their deduction amount used to determine their SNAP benefit allotment. The energy assistance payment will be disbursed at the beginning of every federal fiscal year. Dependent on the availability of funds, the amount of the payment to the household will be no less than \$21. By receiving this payment, households will automatically become eligible to receive the Heating and Cooling Standard Utility Allowance (HCSUA) and in most cases will receive an increase in their SNAP benefits. The Heat and Eat benefit is limited to current SNAP recipients and no additional application is required. Based on the eligibility criteria of the Heat and Eat program, if households qualify for the payment, it will automatically be issued every federal fiscal year and the active SNAP case will be automatically updated. The Heat and Eat program will be for households who: are receiving SNAP after being determined eligible as outlined in 8.139.110 NMAC; have gross income less than 165% of the poverty level; and do not pay for any heating or cooling expenses, including the payment of a fee to use an air conditioner; and are not receiving the maximum SNAP benefit: and have an identifiable shelter cost. The current New Mexico Administrative Code (NMAC) provisions read that any other assistance payment of \$20 or more will qualify individuals for the HCSUA. This state funded assistance program will give individuals, as defined above, a \$21 case benefit energy assistance payment annually. The \$21 payment will also trigger an automated recalculation of SNAP benefits to include the HCSUA, in the amount of \$348 for Fiscal Year 2021, for the next 12 consecutive issuance months for the household. The HCSUA deduction amount is determined yearly.

The Human Services Register Vol. 43 No. 06 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, Friday, September 25, 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