

NOTICE OF EMERGENCY RULEMAKING

The New Mexico Human Services Department (HSD) is issuing a temporary emergency rule to be effective October 1, 2020. The HSD is required to make changes to 8.102.500 of the New Mexico Administrative Code (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 29, 2020 and will make the adjustments effective for benefit month October 2020 for Federal Fiscal Year (FFY) 2021 to comply with federal law and regulations.

The Department received the notice of the federal Cost-of-Living Adjustments (COLA) with less than sixty days to implement the changes to be effective on October 1 and has insufficient time to follow the regular rulemaking process; it will implement an emergency rule in order to be federally compliant.

Regulations issued pursuant to the act are contained in 45 CFR Parts 200-299.

Administration of the HSD, including its authority to promulgate regulations, is governed by Chapter 9, Article 8, NMSA 1978 (Repl. 1983).

The emergency rule is being implemented to comply with the Federal mandate; failure to implement the emergency rule would place the Department in violation of Federal law. The emergency rule will remain in effect until a permanent rule takes effect under normal rulemaking process.

The Human Services Register Vol. 43 No. 09 outlining the temporary emergency regulations is available on the HSD's website at: <http://www.hsd.state.nm.us/LookingForInformation/income-support/division-registers.aspx>.