

This is an amendment to 8.139.420 NMAC, Section 8 effective 9/1/2021.

**8.139.420.8 CATEGORICAL ELIGIBILITY (CE):** All members of a food stamp household must maintain CE status for the household to be considered CE. Categorically eligible one and two person households are entitled to the minimum food stamp benefit amount, except in an initial month if the prorated benefit is less than \$10.

**A. Determining CE:** Households may be CE by receiving financial assistance or by receiving a non-cash TANF/MOE funded benefit or service, known as broad-based CE.

(1) **Financial assistance/SSI CE:** A food stamp household is considered CE for the entire month when all of its members receive or has been determined eligible to receive any combination of the benefits or services from the following:

- (a) financial assistance;
- (b) financial, in-kind benefits, or services funded either under Title IV-A of the Social Security Act or by the state as part of the TANF maintenance of effort;
- (c) SSI under Section 1619(a) or 1619(b) of the Social Security Act (42 U.S.C. 1382h(a) or (b)).

(2) **Broad-based CE due to receiving a non-cash TANF/MOE funded benefit or service:** A food stamp household is considered to be a broad-based CE household for the month of application and the entire certification period when the household's gross income is less than 165% FPG and the household has received a non-cash TANF/MOE funded benefit or service.

(3) **Households not entitled to CE:** A household shall not be considered CE if:

- (a) any member is disqualified for an IPV;
- (b) any member is disqualified for failure to comply with work registration or E&T requirements, including voluntarily quitting a job or reducing employment hours without good cause;
- (c) any member is disqualified because of fleeing felon status or parole/probation violations;
- (d) the household is institutionalized; or
- (e) the household refuses to cooperate in providing information that is necessary to determine eligibility;

(f) households that lose eligibility because an individual member received substantial lottery or gambling winnings will remain ineligible until they meet the income and resource limits detailed in 7 CFR 273.8 and 273.9. The next time such a household reappplies and is certified for SNAP after losing eligibility under this rule, the household would not be considered categorically eligible. This requirement is not permanent; it applies only to the first time a household is certified under regular SNAP rules following the loss of eligibility for substantial lottery and gambling winnings.

(4) Households may be CE if they contain non-household members such as ineligible students, ineligible aliens, ABAWDs who are ineligible due to time limits.

**B. Eligibility factors for CE households:** All CE households are subject to food stamp eligibility requirements, including, but not limited to, verification of household composition, if questionable; benefit determination (income and deductions); disqualification for any reason; claims recovery and restored benefits; notices and fair hearings; and all reporting requirements.

(1) **Financial assistance/SSI households:** Households entitled to CE because of receipt of financial assistance or SSI do not have to provide verification of the following eligibility factors:

- (a) resources;
- (b) social security number;
- (c) sponsored alien information; and
- (d) residency.

(2) **Broad-based households:** Households entitled to CE because they received a non-cash TANF/MOE funded benefit or service do not have to verify resources.

**C. Case management for all CE households:**

(1) **Applicant households:** Caseworkers shall postpone denying a potentially CE household until the 30th day to allow financial assistance or SSI benefit approval. If within 30 days following the denial date, the caseworker becomes aware of, approval which makes the household CE benefits shall be paid using the original application and any other information which has become available since that time.

(2) **Responsibility to report changes:** CE households subject to simplified or regular reporting must report changes in accordance with 8.139.120 NMAC.

(3) **Action on changes to CE status:** When a household reports a change or the department becomes aware of a change, the caseworker shall take action to determine if the household is still entitled to continue CE.

(a) **Financial assistance:** When the household reports a loss or the department becomes aware of a loss of SSI or financial assistance, the household should be evaluated for broad-based CE.

(b) **Broad-based CE:** The caseworker shall take action to determine if the household still meets the criteria for broad-based CE status per Paragraph (2) of Subsection A above. Should the reported change result in a loss of broad-based CE the household will be notified in writing. Any household no longer entitled to broad-based CE status may still participate in the food stamp program and are subject to all eligibility requirements including resource and reduced income limits.

[2/1/1995, 7/1/1997, 6/1/1999; 8.139.420.8 NMAC - Rn, 8 NMAC 3.FSP.426, 05/15/2001; A, 02/14/2002; A, 04/01/2010; A, 09/01/2021]