

This is an amendment to 8.139.502 NMAC, Sections 8 & 9 effective 3/1/2024.

8.139.502.8 ~~[STATE FOOD STAMP SUPPLEMENT BENEFITS]~~ **STATE SNAP SUPPLEMENT BENEFITS:**

A. Purpose: The state ~~[food stamp]~~ SNAP supplement program is aimed at providing the elderly and disabled with increased food purchasing power resulting in better nutrition.

B. Maximum benefit amount: The benefit amount shall be established by the HSD secretary based on available state funds.

C. Eligibility process: The state ~~[food stamp]~~ SNAP supplement shall be determined only for households that meet all eligibility requirements identified in Subsection D of 8.139.502.8 NMAC.

D. Eligibility requirements: The state ~~[food stamp]~~ SNAP supplement benefits shall be subject to all federal ~~[food stamp]~~ SNAP application, eligibility, certification and reporting requirements. The state ~~[food stamp]~~ SNAP supplement benefits shall be extended only to a household ~~[with a federal allotment amount less than \$25.00 federal food stamp benefits and meeting the program requirements.]~~ who receives less than the federal minimum benefit allotment. State ~~[food stamp]~~ SNAP supplement benefits shall be provided to a household under the following qualifications and eligibility requirements:

- (1) all household members qualify and receive federal ~~[food stamp]~~ SNAP program benefits;
 - (2) all household members are elderly or disabled as defined in Subsection A of 8.139.100.7 NMAC.
 - (3) the household does not receive any earned income; and
 - (4) the household receives a federal ~~[food stamp]~~ SNAP program allotment amount, prior to any claim recoupment, ~~[of less than \$25.00]~~ of less than or equal to the federal minimum allotment.
- [8.139.502.8 NMAC - N, 08/30/2007; A, 04/15/2009; A, 01/01/2011; A, 3/1/2024]

8.139.502.9 DETERMINING THE BENEFIT:

A. Application: A household shall not be required to submit an application in addition to the application for federal ~~[food stamp]~~ SNAP benefits to qualify or be determined eligible for the state ~~[food stamp]~~ SNAP supplement amount.

B. Eligibility determination: Eligibility shall be determined for a household meeting all eligibility requirements at:

- (1) the time of application approval;
- (2) the time of recertification;
- (3) the month following a reported change which qualifies the household; or
- (4) the month following a change that becomes known to the agency in which the change qualifies the household; or
- (5) at time of implementation of this program.

C. Calculating the state ~~[food stamp]~~ SNAP supplement amount: A household qualified and eligible for the state ~~[food stamp]~~ SNAP supplement shall receive a state supplement to the federal ~~[food stamp]~~ SNAP allotment amount to an amount that is determined based on the availability of state funds ~~[to a maximum of \$25.00 per month]~~ before any recoupments and overpayments have been applied to the benefit amount.

(1) **Application month:** The state ~~[food stamp]~~ SNAP supplement shall be determined by subtracting the federal FSP benefit amount, after the federal FSP benefit is prorated and prior to any recoupment, from ~~[\$25.00] the federal minimum allotment.~~ The state ~~[food stamp]~~ SNAP supplement shall not be prorated.

(2) **Ongoing month:** The state ~~[food stamp]~~ SNAP supplement shall be determined by subtracting ~~[the federal FSP benefit amount]~~ the federal ~~[food stamp]~~ SNAP allotment, prior to any recoupment, from the determined supplement amount ~~[from \$25.00].~~

(3) **Eligibility for a prior month:**
(a) The state ~~[food stamp]~~ SNAP supplement shall not be provided to a household for a benefit month prior to July, 2007.

(b) A household in which the federal benefit amount is adjusted for a prior month may be eligible for the state ~~[food stamp]~~ SNAP supplement provided the household qualifies and is eligible for the supplement.

(4) **Current FSP households:** Households which meet the qualifications and eligibility

requirements for the state ~~[food stamp]~~ SNAP supplement shall be eligible for the supplement without any action required by the household. The household shall be eligible for a supplement for any month beginning July 2007 and after upon implementation of the program for which the household qualifies.

D. Ineligibility: A household shall become ineligible for the state ~~[food stamp]~~ SNAP supplement if the household does not meet the eligibility requirements specified in 8.139.502.8 NMAC the month following the month the notice of adverse action expires. The household's eligibility for the state ~~[food stamp]~~ SNAP supplement shall be made at the time of:

- (1) application approval;
- (2) recertification;
- (3) a reported change;
- (4) a change becomes known to the agency; or
- (5) at the time of a mass change.

E. Notice: A household that qualifies and is eligible for ~~[food stamp]~~ SNAP benefits shall be issued notice in accordance with 8.139.110.14 NMAC. A notice of adverse action shall not be considered if the household federal ~~[food stamp]~~ SNAP and state ~~[food stamp]~~ SNAP supplement does not decrease below ~~[\$25.00]~~ the federal minimum allotment. A household that qualifies and is eligible for the state ~~[food stamp]~~ SNAP supplement shall be issued a notice for the following circumstances:

(1) **Approval:** A household shall be issued an approval notice at the time the household is determined eligible for the state ~~[food stamp]~~ SNAP supplement. The approval notice shall identify the amount of the state ~~[food stamp]~~ SNAP supplement.

(2) **Benefit change:** A household shall be issued a notice at the time the state ~~[food stamp]~~ SNAP supplement is increased or decreased. The amount of benefit is subject to change when the federal ~~[food stamp]~~ SNAP benefit is increased or decreased.

(3) **Ineligibility:** A household shall be issued a notice when the household no longer qualifies or is eligible for the state ~~[food stamp]~~ SNAP supplement as indicated in Subsection D of 8.139.502.8 NMAC.

[8.139.502.9 NMAC - N, 08/30/2007; A, 04/15/2009; A, 01/01/2011; A, 03/01/2024]