

**TITLE 8            SOCIAL SERVICES**  
**CHAPTER 106   STATE FUNDED ASSISTANCE PROGRAMS**  
**PART 631        HEAT AND EAT PROGRAM**

**8.106.631.1        ISSUING AGENCY:** New Mexico Health Care Authority.  
[8.106.631.1 NMAC - Rp, 8.106.631.1 NMAC 3/1/2025]

**8.106.631.2        SCOPE:** This rule applies to the general public.  
[8.106.631.2 NMAC - Rp, 8.106.631.2 NMAC 3/1/2025]

**8.106.631.3        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. Section 9-8-1 et seq. NMSA 1978 establishes the health care authority (HCA) as a single, unified department to administer laws and exercise functions relating to health care facility licensure and health care purchasing and regulation.  
[8.106.631.3 NMAC - Rp, 8.106.631.3 NMAC 3/1/2025]

**8.106.631.4        DURATION:** Permanent.  
[8.106.631.4 NMAC - Rp, 8.106.631.4 NMAC 3/1/2025]

**8.106.631.5        EFFECTIVE DATE:** March 1, 2025, unless a later date is cited at the end of a section.  
[8.106.631.5 NMAC - Rp, 8.106.631.5 NMAC 3/1/2025]

**8.106.631.6        OBJECTIVE:** 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 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 this payment will see an increase in their deduction amount used to determine their SNAP benefit allotment.  
[8.106.631.6 NMAC - Rp, 8.106.631.6 NMAC 3/1/2025]

**8.106.631.7        DEFINITIONS: [RESERVED]**

**8.106.631.8        PROGRAM ELIGIBILITY:** Benefits shall be processed annually at the beginning of the federal fiscal year dependent on the availability of funding.

**A.        Limited to current SNAP recipients:** no application is needed for an individual or groups of individuals who reside together that do not pay separate heating or cooling costs and do not receive the Heating and Cooling Standard Utility Allowance (HCSUA).

**B.        Household:** Eligible household include those who:

- (1)        are receiving SNAP after being determined eligible as outlined in 8.139.110 NMAC;
- (2)        have gross income less than two hundred percent of the poverty level; and
- (3)        do not pay for any heating or cooling expenses, including the payment of a fee to use an air conditioner; and
- (4)        are not receiving the maximum SNAP benefit; and
- (5)        have an identifiable shelter cost.

**C.        Eligible households:** will receive the HCSUA is accordance with 8.139.510.11NMAC.  
[8.106.631.8 NMAC - Rp, 8.106.631.8 NMAC 3/1/2025]

**8.106.631.9        BENEFIT DELIVERY:**

**A.        Effective date:** At the beginning of every federal fiscal year, October 1, a one-time energy assistance cash payment will be issued to eligible households as defined in Subsection A of 8.106.631.9 NMAC.

**B.        Benefit issuance:** Heat and Eat benefits are issued through a direct deposit into a household's EBT account. EBT cards are issued and maintained as defined at 8.139.610 NMAC. A Heat and Eat participating household has a definite issuance date so that benefits are received on or about the same time annually.

**C.        Benefit Amount:** Dependent on the availability of state general fund a cash payment of no less than \$20 will be issued.

**D. Eligible Uses for Benefit:** This Cash benefit is intended to help the household meet their heating or cooling needs. Please refer to 8.106.610.8 NMAC for uses of Cash benefit.  
[8.106.631.9 NMAC - Rp, 8.106.631.9 NMAC 3/1/2025]

**8.106.631.10 RECOUPMENT:** If the benefit is not used by the end of the federal fiscal year that the benefits was issued, September 30, the benefit will be recouped from the participants EBT card and placed back into the state general fund.  
[8.106.631.10 NMAC - Rp, 8.106.631.10 NMAC 3/1/2025]

**HISTORY OF 8. 106.631NMAC: [RESERVED]**

**History of Repealed Material:** 8.106.631 NMAC - Heat and Eat Program filed 10/14/2020, Repealed effective 3/1/2025.

**Other:** 8.106.631 NMAC - Heat and Eat Program filed 10/14/2020, Replaced by 8.106.631 NMAC - Heat and Eat Program effective 3/1/2025.