

TITLE 8 SOCIAL SERVICES
CHAPTER 150 LOW INCOME HOME ENERGY ASSISTANCE PROGRAM
PART 110 APPLICATIONS

8.150.110.1 ISSUING AGENCY: New Mexico Health Care Authority.
[8.150.110.1 NMAC - Rp 8.150.110.1 NMAC, 7/1/2024]

8.150.110.2 SCOPE: The rule applies to the general public.
[8.150.110.2 NMAC - Rp 8.150.110.2 NMAC, 7/1/2024]

8.150.110.3 STATUTORY AUTHORITY: 27 NMSA 1978 (1992 Repl.) provides for the health care authority (HCA) to "...adopt, amend and repeal bylaws, rules and regulations...". It also provides for administration of public assistance programs. Section 9-8-1 et seq. NMSA 1978 establishes the HCA as a single, unified department to administer laws and exercise functions relating to health care facility licensure and health care purchasing and regulation.
[8.150.110.3 NMAC - Rp 8.150.110.3 NMAC, 7/1/2024]

8.150.110.4 DURATION: Permanent.
[8.150.110.4 NMAC - Rp 8.150.110.4 NMAC, 7/1/2024]

8.150.110.5 EFFECTIVE DATE: July 1, 2024, unless a different date is at the end of a section or paragraph.
[8.150.110.5 NMAC - Rp 8.150.110.5 NMAC, 7/1/2024]

8.150.110.6 OBJECTIVE: The objective of these regulations is to provide policy and procedures for the administration of the low-income home energy assistance program.
[8.150.110.6 NMAC - Rp 8.150.110.6 NMAC, 7/1/2024]

8.150.110.7 DEFINITIONS: [RESERVED]

8.150.110.8 RIGHT TO APPLY:

A. Recipients/applicants: Anyone has the right to apply for any benefits provided by ISD whether or not it appears they will be eligible.

B. Outreach:

(1) HCA responsibilities: HCA conducts outreach regarding the LIHEAP program to eligible households, and particularly elderly and disabled households, through the ISD field offices and all of the offices and suboffices of the state's community action agencies. Additional outreach efforts to elderly and disabled households are made through workshops and conferences held by the state's agency on aging.

(2) Community action agency responsibility: HCA coordinates with the community action agencies to provide information and outreach services regarding LIHEAP and other energy-related assistance programs.

C. Barrier free policy: It is HCA's policy to make the application process for these households as barrier-free as possible. This includes:

(1) paperwork reduction and not requiring reverification by the household of information already available to HCA, such as SSI status;

(2) ease of access to physical locations where application may be made;

(3) provide access to the HCA's online application; and

(4) provide additional assistance for any recipient/applicant who requires it.

D. Annual benefit: Each eligible household will be issued one benefit each federal fiscal year. The benefit may be issued in one or multiple payments depending on the funding availability and the approval of the HCA secretary. Receipt of a LIHEAP benefit from any other LIHEAP administering entity (tribe, state or territory) funded by HHS during any federal fiscal year would prohibit the receipt of LIHEAP in New Mexico during that FFY.

E. Supplemental benefit: A supplemental benefit may be established under certain conditions at the direction of the HCA secretary. A supplemental benefit may occur when:

(1) funding levels are predicted to exceed allowable carryover of federal funds to the next federal fiscal year;

- (2) emergency weather circumstances.

[8.150.110.8 NMAC - Rp 8.150.110.8 NMAC, 7/1/2024]

8.150.110.9 SUBMISSION OF FORMS:

- A.** Applicants: Any household may apply for benefits during the specified application period:
- (1) in person at any local county income support division office;
 - (2) through the online application; or
 - (3) submitting an application via mail or fax to any local county income support division office.
- B.** Application process: In order for a determination of eligibility for regular benefits to be made for these applicant households, the household's signed application must be received by the deadline date of the application period of October 1st through September 30th for each federal fiscal year. Required verification must be received by the 30th day after the received date stamped on the LIHEAP application.
- C.** Application period: The period of application for benefits will be year round beginning after the application for the LIHEAP grant has been submitted to the U.S. department of health and human services, and ending September 30. The application period is October 1st through September 30th for each federal fiscal year.
- [8.150.110.9 NMAC - Rp 8.150.110.9 NMAC, 7/1/2024]

8.150.110.10 DISPOSITION OF APPLICATION/NOTICE:

- A.** Income support division county office responsibilities: Households who complete the application process for LIHEAP benefits will be provided with a notice indicating whether they have been approved or denied. Upon acknowledgement of payment by the vendor, households will be provided with a notice indicating that they have been approved. Upon determination of ineligibility by HCA, households will be provided with a notice indicating that they have been denied. If the household fails to provide the verification required to determine eligibility, ISD may deny the application after 30 days from the date of the application.
- B.** LIHEAP central office responsibilities: LIHEAP central office staff will complete random reviews of LIHEAP approvals and denials. The review will verify whether LIHEAP policy was correctly applied. If an eligibility error is found or the application is incomplete, a determination will be made to identify any payment errors.
- C.** Notices: All households will be mailed a notice indicating whether they have been approved or denied for LIHEAP benefits. The notice indicating that an applicant has been approved will list the point calculation, point total, the benefit amount and the method of issuance. The notice indicating that an applicant has been denied will indicate the denial reason.
- [8.150.110.10 NMAC - Rp 8.150.110.10 NMAC, 7/1/2024]

HISTORY OF 8.150.110 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives:

ISD 600.0000, Energy Assistance Programs, 11/12/1982.
ISD 600.0000, Low Income Energy Assistance Program, 1/9/1984.
ISD 710.0000, Energy Assistance Programs, 11/15/1982.
ISD 620.0000, Crisis Intervention Assistance, 11/12/1982.
ISD 620.0000, Energy Crisis Intervention Assistance, 12/27/1983.
ISD 714.0000, Energy Crisis Intervention, 11/20/1985.
ISD 630.0000, Program Administration, 11/12/1982.
ISD 630.0000, Program Administration, 12/27/1983.
ISD 715.0000, Administration of Energy Assistance Programs, 11/20/1985.
ISD FA 710, Energy Assistance Programs, 12/5/1989.
ISD CAS 700, Energy Assistance Program, 11/13/1991.
ISD CAS 700, Energy Assistance Program, 11/10/1992.
ISD/CACB/LHP 700, Low Income Home Energy Assistance Program, 5/6/1994.
ISD/CACB/LHP 700, Low Income Home Energy Assistance Program, 7/28/1994.

History of Repealed Material: 8.150.110 NMAC - Applications (filed 9/17/2001), Repealed effective 7/1/2024.

Other: 8.150.110 NMAC - Applications (filed 9/17/2001), Replaced by 8.150.110 NMAC - Applications, effective 7/1/2024.