

This is an amendment to 8.102.100 NMAC, Section 7 effective 6/1/2025.

**8.102.100.7 DEFINITIONS:**

**A. Definitions beginning with "A":**

- (1) **Applicant:** means person applying for cash assistance on behalf of a benefit group.
- (2) **Application:** means a written or electronic request, on the appropriate ISD form, with the signature of the applicant or on the applicant's behalf by an authorized representative, for assistance.
- (3) **Attendant:** means an individual needed in the home for medical, housekeeping, or childcare reasons.
- (4) **Authorized representative:** means an adult, who is designated in writing by the applicant, who is sufficiently knowledgeable about the applicant/ benefit group's circumstances to complete the application form correctly and can represent the benefit group.

**B. Definitions beginning with "B":**

- (1) **Basic needs:** include food, clothing, shelter, utilities, personal requirements and the individual's share of household supplies.
- (2) **Beginning month:** means the first month for which a benefit group is certified after a lapse in certification of at least one calendar month; beginning month and initial month are used interchangeably. A benefit group is budgeted prospectively in a beginning month.
- (3) **Benefit group:** means a group of people, either mandatory or optional, to be included in determining the monthly benefit amount.
- (4) **Benefit month:** means the month for which cash assistance benefits have been issued. This term is synonymous with issuance month defined below.
- (5) **Budget month:** means the calendar month for which income and other circumstances of the benefit group shall be determined in order to calculate the cash assistance amount.

**C. Definitions beginning with "C":**

- (1) **Capital gains:** means proceeds from the sale of capital goods or equipment.
- (2) **Cash assistance:** means cash payments funded by the temporary assistance for needy families (TANF) block grant pursuant to the federal act and by state funds; or state funded cash assistance in the general assistance program.
- (3) **Caretaker relative:** means an individual who assumes parental control over a child living in the home.
- (4) **Categorical eligibility (CE):** means a SNAP household that meets one of the following conditions is considered to be CE and have limited eligibility requirements.
  - (a) **Financial CE:** Any SNAP household in which all members receive Title IV-A assistance (TANF), general assistance (GA), or supplemental security income (SSI) benefits is considered to be categorically eligible for SNAP benefits.
  - (b) **Broad-based CE:** Any SNAP household, in good standing, in which at least one member is receiving a non-cash TANF/MOE funded benefit or service and household income is below one hundred sixty five percent FPG.
- (5) **Certification:** means the authorization of eligibility of a benefit group for the issuance of cash assistance benefits.
- (6) **Certification period:** means the time period assigned to a benefit group that is approved to receive cash assistance benefits. The certification period shall conform to calendar months and include an interim report to be completed mid certification.
- (7) **Collateral contact:** means an individual or agency designated by the benefit group to provide information concerning eligibility.
- (8) **Compacts of free association:** is an individual who is compact of free association (COFA) migrant, also referred to as compact citizen. COFA is an agreement between the United States and the three Pacific Island sovereign states of federated states of Micronesia, the republic of the Marshall Islands, and the republic of Palau known as freely associated states.
- ~~(8)~~ (9) **Conciliation process:** means a 30-day process prior to imposing a sanction during which the department and the individual have the opportunity to address barriers to compliance or to correct whatever failure has generated the noncompliance determination.

~~[(9)]~~ **(10) Conversion factor:** means anticipated monthly income received on a weekly or bi-weekly basis shall be converted to a monthly amount.

**D. Definitions beginning with “D”:**

**(1) Date of application:** means the date the application is received by the income support division offices during regular business hours, this includes applications that are dropped off, submitted in person and electronically. The date the application and forms received by ISD will be documented on the form. Applications that are dropped off or submitted electronically after regularly scheduled business hours, holidays and weekends will be considered received as of the next business day.

**(2) Date of admission:** means the date established by the immigration and naturalization service (INS) as the date an alien (or sponsored alien) was admitted for permanent residence.

**(3) Date of entry:** means the date established by the immigration and naturalization service (INS) as the date an alien (or sponsored alien) was admitted for permanent residence.

**(4) Department:** means the human services department.

**(5) Dependent child:** means a natural child, adopted child, stepchild or ward that is:

**(a)** 17 years of age or younger; or

**(b)** 18 years of age and is enrolled in high school; or

**(c)** between 18 and 22 years of age and is receiving special education services regulated by the public education department.

**(6) Director:** means the director of the income support division.

**(7) Diversion payment:** means a lump sum payment, which will enable the applicant to keep a job or to accept a bona fide offer of employment.

**(8) Documentation:** means a written statement entered in the paper or electronic case record regarding the type of verification used and a summary of the information obtained to determine eligibility.

**E. Definitions beginning with “E”:**

**(1) Earned income:** means cash or payment in-kind that is received as wages from employment or payment in lieu of wages; and earnings from self-employment or earnings acquired from the direct provision of services, goods or property, production of goods, management of property or supervision of services.

**(2) Education works program (EWP):** provides state-funded cash assistance to a benefit group where at least one individual is enrolled in a post-secondary institution. The applicant or recipient benefit group must be otherwise eligible for NMW cash assistance but chooses to participate in the education works cash assistance program.

**(3) Emancipated:** means an individual under the age of 18 years who is legally recognized as no longer under parental control due to marriage or by a decision of a court.

**(4) Encumbrance:** means debt owed on property.

**(5) Equity value:** means the fair market value of property, less any encumbrances owed on the property.

**(6) Expedited services:** means the process by which benefit groups reporting little or no income or resources will be provided an opportunity to participate in the SNAP program.

**(7) Expungement:** means the permanent deletion of cash benefits from an EBT account that is stale.

**F. Definitions beginning with “F”:**

**(1) Fair hearing:** means an administrative proceeding which a claimant or claimant’s representative may request if:

**(a)** an application is not acted on within a reasonable time after the filing of the application;

**(b)** an application is denied in whole or in part; or

**(c)** the cash assistance or services are modified, terminated, or not provided.

**(2) Fair market value (FMV):** means the amount an item can be expected to sell for on the open market at the prevailing rate of return. For vehicles, the term FMV means the amount a dealer would buy a vehicle for wholesale or offer as a trade-in. It is not the amount the dealer would sell the vehicle for at retail.

**(3) Federal act:** means the federal Social Security Act and rules promulgated pursuant to the Social Security Act.

**(4) Federal fiscal year:** October 1 through September 30 of the calendar year.

**(5) Federal means-tested public benefit:** means benefits from the SNAP program; the food assistance block grant programs in Puerto Rico, American Samoa and the commonwealth of the Northern Mariana islands, supplemental security income (SSI), and the TANF block grant program under Title IV of the Social

Security Act; medicaid and SCHIP.

(6) **Federal poverty guidelines:** means the level of income defining poverty by family size published annually in the federal register by the United States department of health and human services.

(7) **Five-year bar:** means the federally imposed prohibition on receiving federal means-tested public benefits for certain qualified aliens who entered the United States (U.S.) on or after August 22, 1996, until they continuously lived in the U.S. for five years. The count for the five-year bar begins on the date the non-citizen attains qualified alien status.

(8) **Food Stamp Act:** the Food Stamp Act of 1977 (P.L. 95-113), the Food and Nutrition Act of 2008 (P.L. 110-246), and subsequent amendments.

**G. Definitions beginning with “G”:**

(1) **General assistance (GA) benefit group:** means a benefit group in which all members receive cash assistance financed by state or local funds.

(2) **Government entity:** includes any federal, state, tribal or local unit of government as well as any non-government entity which receives public funds for the purpose of meeting the housing needs of its clientele.

(3) **Gross income:** means the total amount of income that a benefit group is entitled to receive before any voluntary or involuntary deductions are made, such as, but not limited to, federal and state taxes, FICA, garnishments, insurance premiums (including medicare), and monies due and owing the benefit group, but diverted by the provider. Gross income does not include specific income exclusions, such as but not limited to, the cost of producing self-employment income, and income excluded by federal law.

(4) **Gross income test (eighty-five percent test):** for the benefit group to be eligible, the gross earned income of the benefit group must be less than eighty-five percent of the federal poverty guidelines as determined in 8.102.500.8 NMAC.

(5) **Guaranteed basic income:** Guaranteed basic income provides an individual or household a one time or recurring cash payment or transfer funded from a public or private source intended to support the basic needs of individuals or households by reducing poverty, promoting economic mobility, or increasing the financial stability.

**H. Definitions beginning with “H”:**

(1) **Hardship extension:** means an extension of the TANF/NMW 60-month lifetime limit due to specific conditions enumerated at 8.102.410.17 NMAC.

(2) **Head of household:** means the payee who is the responsible case head for the benefit group. The payee may be the parent, guardian, sole adult member, specified relative, pregnant woman, a GA recipient, or caretaker relative.

**I. Definitions beginning with “I”:**

(1) **Immigrant:** means a non-citizen or an alien within the meaning found in Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(2) **Immigration and naturalization service (INS):** a division of the U.S. department of justice dealing with U.S. citizenship and immigration services.

(3) **Impairment:** means a condition resulting from anatomical, physiological, or psychological abnormalities evidenced by medically acceptable clinical and laboratory diagnostic techniques. Impairment has to do only with the medical, psychiatric, or both processes. To evaluate both physical and mental impairment, medical evidence consisting of signs, symptoms and objective findings must be obtained.

(4) **Incapacity review unit:** means a special unit in the department that determines the status of participants for the family violence option and limited work participation status. This is also known as the IRU.

(5) **Individual development account program:** means an account created for eligible individuals which is established and maintained by an authorized financial institution to be used for individual development.

(6) **Individual development program:** means a program that establishes and administers individual development accounts and reserve accounts in order to provide financial training required by the division for account owners.

(7) **Ineligible alien:** means an individual who does not meet the eligible alien requirements.

(8) **Initial month:** means the first month for which a benefit group is certified for participation in the cash assistance program. An initial month is also a month in which a benefit group is certified following a break in participation of one calendar month or longer.

(9) **Inquiry:** means a request for information about eligibility requirements for a financial,

medical, or food assistance program that is not an application.

**(10) Institution of higher education:** means certain college-level institutions, such as vocational schools, trade schools, and career colleges that award academic degrees or professional certifications.

**(11) Institution of post-secondary education:** means an institution of post-secondary education, any public or private educational institution that normally requires a high school diploma or equivalency certificate for enrollment, or that admits persons who are beyond the age of compulsory school attendance in the state in which the institution is located, regardless of the high school prerequisite, provided that the institution is legally authorized or recognized by the state to provide an educational program beyond secondary education in the state or a program of training to prepare students for gainful employment.

**(12) Irrevocable trust funds:** means an arrangement to have monies held by one person for the benefit of another that cannot be revoked.

**(13) Issuance month:** means the calendar month for which cash assistance is issued. In prospective budgeting, the budget and issuance months are the same.

**J. Definitions beginning with “J”:** [RESERVED]

**K. Definitions beginning with “K”:** [RESERVED]

**L. Definitions beginning with “L”:**

**(1) Legal guardian:** means a legally created relationship between a child and appointed adult wherein the appointed adult acquires legal decision-making authority for a child.

**(2) Limited work participation hours:** means the reduced work requirement hours approved by the IRU or the NMW service provider, as appropriate, after a participant has been approved for a limited work participation status.

**(3) Limited work participation status:** means a NMW participant has a verified condition or barrier as outlined at Subsection A of 8.102.420.11 NMAC that precludes the ability to meet the standard work requirement hours and has been approved for such status by the IRU or NMW service provider, as appropriate.

**M. Definitions beginning with “M”:**

**(1) Maintenance of effort (MOE):** means the amount of general funds the state agency must expend annually on the four purposes of temporary assistance for needy families (TANF) to meet a minimum expenditure requirement based on a state’s historical assistance to families with dependent children (AFDC) expenditures.

**(2) Medicaid:** medical assistance under title XIX of the Social Security Act, as amended.

**(3) Minor unmarried parent:** means an unmarried parent under the age of 18 years or is age 18 and enrolled in high school.

**(4) Month of approval:** means the month the action to approve a benefit group for cash assistance is taken.

**N. Definitions beginning with “N”:**

**(1) Net income tests:** means for the benefit group to be eligible, the benefit group’s net earned income must be less than the standard of need applicable to the benefit group after allowable deductions have been made to the earned and unearned income.

**(2) Net monthly income:** means gross non-exempt income minus the allowable deductions. It is the income figure used to determine eligibility and cash assistance benefit amount.

**(3) Non-benefit group members:** means persons residing with a benefit group who are specifically excluded by regulation from being included in the benefit group certification.

**(4) Non-cash TANF/MOE benefit or service:** means non-cash TANF/MOE benefit or services include programs or services that do not provide cash to recipients, but are funded by the TANF program, either by the federal TANF block grant or the state MOE share. These services may include transportation, childcare, counseling programs, parenting programs, pamphlets or referrals to other TANF/MOE-funded services.

**(5) Non-citizen U.S. national:** means a person who is not an U.S. citizen but was born in an outlying possession of the U.S. on or after the date the U.S. acquired the possession, or a person whose parents are non-citizen U.S. nationals. A person who resides on one of the following U.S. island territories is a non-citizen U.S. national: American Samoa, Swains island or the Northern Mariana islands.

**(6) Notice:** means written correspondence that is generated by any method including handwritten, typed or electronic, delivered to the client or their authorized representative by hand, U.S. mail, professional delivery or by any electronic means. The term “written notice” and “notice” are used interchangeably.

**(7) Notice of adverse action (NOAA):** means a written or electronic notice that includes a statement of the action the department has taken or intends to take, the reason for the action, the benefit group’s right to a fair hearing, who to contact for additional information, the availability of continued benefits, and liability

of the benefit group for any over-issuance received if the hearing decision is adverse to the benefit group. This notice may be received prior to an action to reduce benefits, or at the time reduced benefits will be received, or if benefits are terminated, at the time benefits would have been received if they had not been terminated. Recipients have 13 days from the mailing date or the date of electronic transmittal of the notice to request a fair hearing and to have benefits restored to their previous level.

**(8) NMW compliance requirements:** means the various work program activities a TANF/NMW participant is expected to attend and complete in order to avoid conciliation or sanction.

**O. Definitions beginning with "O": Over-issuance** means the amount by which cash assistance benefits issued to a benefit group exceed the amount the benefit group was eligible to receive.

**P. Definitions beginning with "P":**

**(1) Parent:** means natural parent, adoptive parent, or stepparent.

**(2) Participant:** means a recipient of cash assistance or services or a member of a benefit group who has reached the age of majority.

**(3) Payment standard:** means the amount of the cash assistance payment, after the countable net earned and unearned income of the benefit group has been subtracted from the benefit group's standard of need, and prior to reduction by sanction, recoupment or both.

**(4) Permanent total disability:** means an individual must have a physical or mental impairment, expected to last at least 12 months, that prevents gainful employment in any employment position within the individual's current employment capacity.

**(5) Person:** means an individual.

**(6) Prospective budgeting:** means the computation of a benefit group's eligibility and benefit amount based on a reasonable estimate of income and circumstances that will exist in the current month and future months.

**Q. Definitions beginning with "Q": Qualified alien status** means a person lawfully admitted into the United States under INA guidelines as defined in PROWRA of 1996.

**R. Definitions beginning with "R":**

**(1) Real property:** means land, affixed improvements, and structures which include mobile homes. Grazing permits are also considered real property.

**(2) Recertification:** means a complete review of all conditions of eligibility which are subject to change and a redetermination of the amount of assistance payment for an additional period of time.

**(3) Recipient:** means a person receiving cash assistance benefits.

**(4) Refugee:** means a lawfully admitted individual granted conditional entry into the United States.

**(5) Regular reporting:** means a reporting requirement that requires a participating household to report a change within ten days of the date a change becomes known to the household.

**(a)** A financial change becomes known to the household when the household receives the first payment attributed to an income or resource change, or when the first payment is made for a change in an allowable expense.

**(b)** A non-financial change including but not limited to, a change in household composition or a change in address, becomes known to the household on the date the change takes place.

**(6) Resource standard:** means the financial standard with respect to resources and property, \$2,000 for non-liquid resources and \$1,500 for liquid resources.

**(7) Retrospective budgeting:** means the computation of a benefit group's benefits for an issuance month based on actual income and circumstances that existed in the previous month.

**(8) Resource planning session:** means a planning session to ascertain the applicant's immediate needs and to assess the applicant's financial and non-financial options.

**S. Definitions beginning with "S":**

**(1) School age:** means any dependent child who turns six years prior to September first and is under 18 years of age.

**(2) Secretary:** means the secretary of the department.

**(3) Self-employed:** means an individual who engages in a self-managed enterprise for the purpose of providing support and income and who does not have the usual withholding deducted from this income.

**(4) Services:** means child-care assistance; payment for employment-related transportation costs; job search assistance; employment counseling; employment; education and job training placement; one-time payment for necessary employment-related costs; case management; or other activities whose purpose is to assist transition into employment.

(5) **Shelter for battered persons:** means a public or private nonprofit residential facility that serves battered persons. If such a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered persons.

(6) **Simplified reporting:** a change reporting requirement for households that receive TANF benefits.

(7) **Single-parent benefit group:** means any benefit group which does not include both parents of a child included in the benefit group and thus includes families in which there is only one parent or in which there are no parents.

(8) **Sponsor:** means a person who executed an affidavit of support or similar agreement on behalf of an alien as a condition of the alien's entry or admission to the United States as a permanent resident.

(9) **Sponsored alien:** means an alien lawfully admitted for permanent residence in the United States as an immigrant, as defined in Sections 101(a)(15) and 101(a)(2) of the Immigration and Nationality Act.

(10) **Stale:** means EBT accounts which have not been accessed, no withdrawal activity, by the household in the last 90 days from the most recent date of withdrawal.

(11) **Standard of need:** means an amount which is based on the number of individuals included in the benefit group and allows for financial standard and basic needs.

(12) **Standard work requirement hours:** means the minimum number of hours in applicable core and non-core total work activities a participant must complete.

(13) **State-funded alien eligible:** means an alien who entered the United States on or after August 22, 1996, as one of the classes of aliens described in Subsection B of 8.102.410.10 NMAC, is eligible with respect to citizenship requirements for state-funded assistance under NMW and GA without regard to how long the alien has been residing in the United States.

(14) **Supplemental nutrition assistance program (SNAP):** The Food and Nutrition Act of 2008 changed the federal name of the food stamp program to the supplemental nutrition assistance program. SNAP is synonymous with the food stamp program.

(15) **Supplemental security income (SSI):** means monthly cash payments made under the authority of:

(a) Title XVI of the Social Security Act, as amended, to the aged, blind and disabled;

(b) Section 1616(a) of the Social Security Act; or

(c) Section 212(a) of P.L. 93-66.

**T. Definitions beginning with "T":**

(1) **Temporary total disability:** means a physical or mental impairment, expected to last at least 30 days from date of determination, but less than one year from the date of application, that prevents gainful employment in any employment position within the individual's current employment capacity.

(2) **Two-parent benefit group:** means a benefit group which is considered to exist when both parents of any child included in the benefit group live in the home with the child and are included in the benefit group.

(3) **Term limits:** means NMW assistance (cash benefits and supportive services) is not provided to or for an adult or a minor head of household for more than 60 months during the individual's lifetime.

**U. Definitions beginning with "U":**

(1) **Unearned income:** means old age, survivors, and disability insurance payments (social security), railroad retirement benefits, veterans administration compensation or pension payments, military retirement and allotments, pensions, annuities and retirement benefits; lodge or fraternal benefits, any other public or private disability or retirement benefit or pension, shared shelter payments, individual Indian money (IIM); royalty or lease payments for land or property owned by a benefit group member; settlement payments resulting from insurance or litigation; worker's compensation benefits; child support; unemployment compensation benefits; union benefits paid in cash; gifts and contributions; and real property income.

(2) **Universal Basic Income:** Universal basic income is a government-guaranteed program that provides a modest cash income at regular intervals (e.g., each month or year) to every individual or household to meet the basic needs.

**V. Definitions beginning with "V":**

(1) **Vehicle:** means a conveyance used for the transportation of individuals to or from employment, for the activities of daily living or for the transportation of goods; vehicle does not include any boat, trailer or mobile home used as the principal place of residence.

**(2) Verification:** means the use of third-party information or documentation to establish the accuracy of statements on the application, interim report and recertification.

**(3) Vocational education:** means an organized education program that is directly related to the preparation of a person for employment in a current or emerging occupation requiring training other than a baccalaureate or advance degree. Vocational education must be provided by an educational or training organization, such as a vocational-technical school, community college, or post-secondary institution or proprietary school.

**W. Definitions beginning with “W”:** **Wage subsidy program** means a subsidized employment training opportunity through which a TANF cash assistance recipient is hired into full-time employment.

**X. Definitions beginning with “X”:**

**Y. Definitions beginning with “Y”:**

**Z. Definitions beginning with “Z”:**

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