

**TITLE 8 SOCIAL SERVICES**  
**CHAPTER 150 LOW INCOME HOME ENERGY ASSISTANCE PROGRAM**  
**PART 600 DESCRIPTION OF PROGRAM/BENEFITS**

**8.150.600.1 ISSUING AGENCY:** New Mexico Human Services Department.  
[7-1-95, 11-1-95; 8.150.600.1 NMAC - Rn, 8 NMAC 22.LHP.000.1, 10-1-01]

**8.150.600.2 SCOPE:** The rule applies to the general public.  
[7-1-95, 11-1-95; 8.150.600.2 NMAC - Rn, 8 NMAC 22.LHP.000.2, 10-1-01]

**8.150.600.3 STATUTORY AUTHORITY:** 27 NMSA 1978 (1992 Repl.) provides for the department to "...adopt, amend and repeal bylaws, rules and regulations...". It also provides for administration of public assistance programs.  
[7-1-95, 11-1-95; 8.150.600.3 NMAC - Rn, 8 NMAC 22.LHP.000.3, 10-1-01]

**8.150.600.4 DURATION:** Permanent.  
[7-1-95, 11-1-95; 8.150.600.4 NMAC - Rn, 8 NMAC 22.LHP.000.4, 10-1-01]

**8.150.600.5 EFFECTIVE DATE:** November 15, 1996, unless a different date is at the end of a section or paragraph.  
[7-1-95, 11-1-95; 1-15-96, 8.150.600.5 NMAC - Rn, 8 NMAC 22.LHP.000.5, 10-1-01]

**8.150.600.6 OBJECTIVE:** The objective of these regulations is to provide policy and procedures for the administration of the low income home energy assistance program.  
[7-1-95, 11-1-95; 8.150.600.6 NMAC - Rn, 8 NMAC 22.LHP.000.6, 10-1-01]

**8.150.600.7 DEFINITIONS:** [RESERVED]

**8.150.600.8 BENEFITS - ISSUANCE AND USE AND VENDOR RESPONSIBILITIES:**

- A. Issuance of benefits: Benefits are issued in one of the following methods:
- (1) recipient warrants: HSD issues benefits directly to recipients through recipient warrants when appropriate and only as a last resort;
  - (2) vendor payments: HSD issues benefits directly to the vendor;
    - (a) HSD will provide the account name and customer account number for the LIHEAP eligible household to the vendor specified by the household; the vendor will notify HSD of mismatches within a specified time frame;
    - (b) vendors who carry customer accounts will credit eligible households with the amount of the LIHEAP regular benefit no more than 30 days from the time of the payment; vendors who provide fuel on demand will provide fuel to eligible households equal to the amount of the LIHEAP regular benefit no more than 30 days from the date of the eligible household's contact with the vendor to make arrangements for the provision of such fuel;
    - (c) vendors shall return to the LIHEAP central office excess LIHEAP benefits from the account originally credited if that account is closed.
    - (d) vendors should transfer a LIHEAP benefit credit on an account that is closed after the credit is posted; the transfer must be to a new or existing account for the new residence of the recipient household; the vendor must document the transfer in a manner that meets generally accepted audit standards;
    - (e) vendors may refund LIHEAP benefit credit to a household under certain circumstances when the household moves or will not have service with the company at their residence; the vendor must document the transfer in a manner that meets generally accepted audit standards;
    - (f) vendors must refund LIHEAP benefit credits on closed accounts to HSD when the credit cannot be transferred to a new account or the household cannot be located.
- B. Benefit use: The recipient household which receives a direct payment is responsible for using the benefit for the purpose intended:
- (1) to purchase fuel, such as propane, wood, coal, kerosene, fuel oil or other unregulated fuels;
  - (2) to pay the household's utility charges, such as those for electric or natural gas services;

- (3) to purchase gasoline or tools needed when a household gathers/cuts its own firewood;
- (4) to pay a landlord for the utility costs that are included in the rent payment;
- (5) to pay for a deposit obligation needed to initiate or continue service.

[7-1-95, 11-1-95, 11-15-96, 10-01-97; 8.150.600.8 NMAC - Rn, 8 NMAC 22.LHP.601 & A, 10-1-01; A, 10-1-05; A, 10-1-06; A, 10-1-12; A, 10-1-15]

**8.150.600.9 STATE LIHEAP FUNDING:**

- A. Purpose: To reduce the home heating and cooling costs of low-income New Mexicans.
- B. Benefits:

- (1) payments that assist low-income households to reduce the costs of home heating/cooling;
- or
- (2) weatherization services for the homes of low-income households.

[8.150.600.9 NMAC - Rn, 8.150.610.8 NMAC & A, 10-1-12]

**8.150.600.10 FUND USES:** Unless specified by the New Mexico state legislature, the secretary of the human services department has the authority to specify the uses of the funding. Funding will be used for purposes similar to those allowed under the federal low income home energy assistance program.

[8.150.600.10 NMAC - Rn, 8.150.610.9 NMAC & A, 10-1-12]

**8.150.600.11 WINTER MORATORIUM ON UTILITY DISCONNECTION:** No utility vendor regulated by the public regulation commission shall discontinue or disconnect residential utility service for heating from November 15 through March 15 of the subsequent year for certain customers.

A. Administering authority: The human services department or a tribal entity that administers its own low income home energy assistance program are designated as the authorities to identify customers who meet the certain qualifications for the winter moratorium. The customer must also meet the New Mexico public regulation commission requirements to receive winter moratorium protection.

B. Qualification: Customers who qualify for the winter moratorium must meet the following income standards:

- (1) the customer is a member of a household in which the total gross income is at or below 150% of the current federal poverty guidelines; or
- (2) one or more of the household members:
  - (a) receive supplemental security income; or
  - (b) are eligible for any federally funded assistance program administered by ISD with income guidelines at or below 150% of the current federal poverty guidelines;
- (3) the person in whose name a utility account is listed and the name of the public assistance recipient need not match in order for the customer to be entitled to protection under this section.

C. Proof of qualification:

- (1) HSD generated approval notice for public assistance programs whose income guidelines are at or below 150% of the current federal poverty guidelines;
- (2) computer generated notice from HSD; or
- (3) form completed by hand from a local ISD office.

[8.150.600.11 NMAC - Rn, 8.150.610.10 NMAC & A, 10-1-12; A, 10-1-15]

**HISTORY OF 8.150.600 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, 11-12-82.
- ISD 600.0000, Low Income Energy Assistance Program, 1-9-84.
- ISD 710.0000, Energy Assistance Programs, 11-15-85.
- ISD 620.0000, Crisis Intervention Assistance, 11-12-82.
- ISD 620.0000, Energy Crisis Intervention Assistance, 12-27-83.
- ISD 714.0000, Energy Crisis Intervention, 11-20-85.
- ISD 630.0000, Program Administration, 11-12-82.
- ISD 630.0000, Program Administration, 12-27-83.
- ISD 715.0000, Administration of Energy Assistance Programs, 11-20-85.
- ISD FA 710, Energy Assistance Programs, 12-5-89.

ISD CAS 700, Energy Assistance Program, 11-13-91.  
ISD CAS 700, Energy Assistance Program, 11-10-92.  
ISD/CACB/LHP 700, Low Income Home Energy Assistance Program, 5-6-94.  
ISD/CACB/LHP 700, Low Income Home Energy Assistance Program, 7-28-94.

**History of Repealed Material:** [RESERVED]