

**TITLE 8 SOCIAL SERVICES**  
**CHAPTER 150 LOW INCOME HOME ENERGY ASSISTANCE PROGRAM**  
**PART 620 BENEFIT DETERMINATION GENERAL**

**8.150.620.1 ISSUING AGENCY:** New Mexico Human Services Department.  
[7-1-95, 11-1-95; 8.150.620.1 NMAC - Rn, 8 NMAC 22.LHP.000.1, 10-1-01]

**8.150.620.2 SCOPE:** The rule applies to the general public.  
[7-1-95, 11-1-95; 8.150.620.2 NMAC - Rn, 8 NMAC 22.LHP.000.2, 10-1-01]

**8.150.620.3 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; 8.150.620.3 NMAC - Rn, 8 NMAC 22.LHP.000.3, 10-1-01]

**8.150.620.4 DURATION:** Permanent.  
[7-1-95, 11-1-95; 8.150.620.4 NMAC - Rn, 8 NMAC 22.LHP.000.4, 10-1-01]

**8.150.620.5 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, 8.150.620.5 NMAC - Rn, 8 NMAC 22.LHP.000.5, 10-1-01]

**8.150.620.6 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; 8.150.620.6 NMAC - Rn, 8 NMAC 22.LHP.000.6, 10-1-01]

**8.150.620.7 DEFINITIONS:** [RESERVED]

**8.150.620.8 POINT SYSTEM:** A point allocation system is used to insure that the highest level of assistance is provided to those households with the highest energy needs, lowest income and largest household member size while giving priority to those households with vulnerable members.  
[7-1-95, 11-1-95, 11-15-96, 10-1-97, 10-1-00; 8.150.620.8 NMAC - Rn, 8 NMAC 22.LHP.620 & A, 10-1-01]

**8.150.620.9 CALCULATING THE BENEFIT/ASSIGNMENT OF POINTS:** To determine the amount of the benefit for households with an energy cost, HSD assigns points for each following factors.

A. Energy costs points: Points are assigned based on the energy burden at the household's current residence for households that have a direct cost for heating or cooling expenses.

(1) Energy burden: Energy burden is "the expenditures of the household for home energy divided by the income of the household." Points are assigned to the household by determining the households' percentage of energy burden. The point allocation for energy burden is:

- (a) 0 points for 0 - 5% energy burden;
- (b) 1 point for 6 - 10% energy burden;
- (c) 2 points for 11 - 15% energy burden; or
- (d) 3 points for 16% or more energy burden.

(2) Additional Energy Burden: If the household's energy burden is for the use of propane, an additional two (2) points will be allocated.

(3) Receipt of energy burden points: Certain households do not receive energy burden points:

- (a) households whose utilities are included in the rent; or
- (b) households that use wood to heat their home and do not purchase wood.

(4) Energy standard allowance (ESA): Each year an ESA will be determined. The standard amount will be based on the fuel and electricity standards calculated for the standard utility allowance (SUA) used in the New Mexico supplemental nutrition assistance program (SNAP). The ESA may be used when the monthly utility costs provided by the applicant are: a) less than the standard; or b) the applicant has new service and costs are not available.

B. Income points: HSD assigns income points using the household's monthly total countable gross income and the household size. The number of points is determined by identifying what percentage the household's income is of the federal poverty guidelines (FPG) for the LIHEAP FFY. For example, if the total monthly income is 60% of the FPG, the household will receive three income points. (See below.)

- (1) 3 points - income is 0 - 100% of the FPG
- (2) 2 points - income is 100 - 150% of the FPG

C. Vulnerable population points: HSD assigns additional points for any household members in the following vulnerable groups.

- (1) Age 60 and over: Two (2) points are assigned to eligible households based on the inclusion of one or more household members age 60 or over as determined by birthdate data.
- (2) Age 5 and under: Two (2) points are assigned to eligible households based on the inclusion of one or more household members age 5 and under as determined by birthdate data.
- (3) Disability: Two (2) points are assigned to eligible households having one or more members with a disability. Disability is defined as physical or mental impairment resulting in substantial reduction in the ability of an individual to care for him/herself or carry out normal activities. When one or more members receive disability based income, the household is entitled to the points. A doctor's statement of current disability will be required for assignment of the point for this factor if the disabled member does not receive disability-based income.

[7-1-95, 11-1-95, 11-15-96, 10-1-97, 12-1-97, 10-1-00; 8.150.620.9 NMAC - Rn, 8 NMAC 22.LHP.621.1 & A, 10-1-01; A, 10-1-05; A, 10-01-06; A, 10-01-07; A, 10-1-15]

#### **8.150.620.10 CALCULATION OF BENEFIT AMOUNT:**

A. Prior to the start of the application period projections will be made to determine point value. Anticipated grant of award, potential applicants and the current economy of the state of New Mexico will be used to determine the point value. Households eligible for a LIHEAP benefit will have their point total multiplied times the point value. The product is the amount of payment that is issued to the utility vendor for credit on the household's account or is sent to the household.

B. Based on the availability of funds, benefits are issued for eligible applications received through September 30.

C. At the direction of the HSD secretary, the point value for energy cost points, income points, vulnerable population points, additional energy burden points, or any of their parts, may be adjusted as necessary taking into consideration the factors described in Subsection A of 8.150.620.10 NMAC.

[7-1-95, 11-1-95, 11-15-96, 10-1-97, 10-15-98, 10-1-00; 8.150.620.10 NMAC - Rn, 8 NMAC 22.LHP.621.2, 10-1-01; A, 10-01-05; A, 10-01-06; A, 10-1-15]

#### **8.150.620.11 [Reserved]**

[8.150.620.11 - N, 10-1-01; A, 10-01-06; A, 10-01-07; Repealed, 10-1-12]

**8.150.620.12 RETROACTIVE BENEFIT COVERAGE:** Households that were denied LIHEAP benefits or received a lesser benefit than they were entitled to but, prevail in an appeal through an agency conference or fair hearing, are entitled a retroactive benefit.

[8.150.620.12 - N, 10-1-12]

#### **HISTORY OF 8.150.620 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]