

NOTICE OF EMERGENCY RULEMAKING

The New Mexico Human Services Department (HSD) is issuing a temporary emergency rule to be effective October 1, 2018. The HSD is required to make changes to 8.102.500 of the New Mexico Administrative Code (NMAC) and 8.106.500 NMAC.

The Standard Utility Allowances and the Federal Poverty Guidelines are determined by the United States Department of Agriculture (USDA) and Food and Nutrition Services (FNS) each federal fiscal year. These amounts are used to determine the maximum Supplemental Nutrition Assistance Program, Cash Assistance and Low Income Heating and Energy Assistance Programs benefit issuance amounts.

The Department received notification of the adjusted amounts and will make the adjustments effective for benefit month October 2018 for Federal Fiscal Year (FFY) 2019. The Department has received less than sixty days of notice for the Federal Cost-of-Living Adjustments (COLA) and has insufficient time to follow the regular rulemaking process.

Regulations issued pursuant to the act are contained in 45 CFR Parts 200-299.

Administration of HSD, including its authority to promulgate regulations, is governed by Chapter 9, Article 8, NMSA 1978 (Repl. 1983).

The emergency rule is being implemented to comply with the Federal mandate; failure to implement the emergency rule would place the Department in violation of Federal law. The emergency rule will remain in effect until a permanent rule takes effect under normal rulemaking process.

The Human Services Register Vol. 41 No. 20 outlining the temporary emergency regulations is available on the HSD's website at: <http://www.hsd.state.nm.us/LookingForInformation/income-support/division-registers.aspx>.