

This is an emergency amendment to 8.102.500 NMAC, Section 1, 3, 8 effective 10/1/2025.

**8.102.500.1 ISSUING AGENCY:** ~~[New Mexico Human Services Department]~~ New Mexico Health Care Authority.

[8.102.500.1 NMAC - Rp 8.102.500.1 NMAC, 07/01/2001; A/E 10/1/2025]

**8.102.500.3 STATUTORY AUTHORITY:**

**A.** New Mexico Statutes Annotated 1978 (Chapter 27, Articles 1 and 2) authorize the state to administer the aid to families with dependent children (AFDC), general assistance (GA), shelter care supplement, the burial assistance programs and such other public welfare functions as may be assumed by the state.

**B.** Federal legislation contained in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 abolished the AFDC program. The federal act created the temporary assistance for needy families (TANF) block grant under Title IV of the Social Security Act. Through the New Mexico Works Act of 1998, the New Mexico works program was created to replace the aid to families with dependent children program.

**C.** Under authority granted to the governor by the federal Social Security Act, the ~~[human services department]~~ health care authority is designated as the state agency responsible for the TANF program in New Mexico.

**D.** Effective April 1, 1998, in accordance with the requirements of the New Mexico Works Act and Title IV-A of the federal Social Security Act, the department is creating the New Mexico works program as one of its cash assistance programs.

**E.** In close coordination with the NMW program, the department administers the food stamp employment and training program (E&T) pursuant to the Food Security Act of 1985 and federal regulations at Title 7, Code of Federal Regulations.

[8.102.500.3 NMAC - Rp 8.102.500.3 NMAC, 07/01/2001; A, 11/15/2007; A/E 10/1/2025]

**8.102.500.8 GENERAL REQUIREMENTS:**

**A. Need determination process:** Eligibility for NMW, state funded qualified aliens and EWP cash assistance based on need requires a finding that:

(1) the benefit group's countable gross monthly income does not exceed the gross income limit for the size of the benefit group;

(2) the benefit group's countable net income after all allowable deductions does not equal or exceed the standard of need for the size of the benefit group;

(3) the countable resources owned by and available to the benefit group do not exceed the \$1,500 liquid and \$2,000 non-liquid resource limits;

(4) the benefit group is eligible for a cash assistance payment after subtracting from the standard of need the benefit group's countable income, and any payment sanctions or recoupments.

**B. Gross income limits:** The total countable gross earned and unearned income of the benefit group cannot exceed eighty-five percent of the federal poverty guidelines for the size of the benefit group.

(1) Income eligibility limits are revised and adjusted each year in October.

(2) The gross income limit for the size of the benefit group is as follows:

(a) one person ~~[\$1,067]~~ \$1,109

(b) two persons ~~[\$1,448]~~ \$1,499

(c) three persons ~~[\$1,829]~~ \$1,888

(d) four persons ~~[\$2,210]~~ \$2,278

(e) five persons ~~[\$2,592]~~ \$2,667

(f) six persons ~~[\$2,972]~~ \$3,057

(g) seven persons ~~[\$3,353]~~ \$3,447

(h) eight persons ~~[\$3,735]~~ \$3,836

(i) add ~~[\$382]~~ \$390 for each additional person.

**C. Eligibility for support services only:** Subject to the availability of state and federal funds, a benefit group that is not receiving cash assistance but has countable gross income that is less than one hundred percent of the federal poverty guidelines applicable to the size of the benefit group may be eligible to receive services. The gross income guidelines for the size of the benefit group are as follows:

- |     |   |                      |                |
|-----|---|----------------------|----------------|
| (1) | one person  | <del>[\$1,255]</del> | <u>\$1,305</u> |
| (2) | two persons   | <del>[\$1,704]</del> | <u>\$1,763</u> |
| (3) | three persons   | <del>[\$2,152]</del> | <u>\$2,221</u> |
| (4) | four persons  | <del>[\$2,600]</del> | <u>\$2,680</u> |
| (5) | five persons  | <del>[\$3,049]</del> | <u>\$3,138</u> |
| (6) | six persons   | <del>[\$3,497]</del> | <u>\$3,596</u> |
| (7) | seven persons   | <del>[\$3,945]</del> | <u>\$4,055</u> |
| (8) | eight persons   | <del>[\$4,394]</del> | <u>\$4,513</u> |
| (9) | add <del>[\$449]</del> <u>\$459</u> for each additional person. |                      |                |

**D. Standard of need:**

(1) The standard of need is based on the number of participants included in the benefit group and allows for a financial standard and basic needs.

(2) Basic needs include food, clothing, shelter, utilities, personal requirements and the participant's share of benefit group supplies.

(3) The financial standard includes approximately \$111 per month for each participant in the benefit group.

(4) The standard of need for the NMW, state funded qualified aliens, and EWP cash assistance benefit group is:

- |     |  |         |
|-----|--|---------|
| (a) | one person   | \$327   |
| (b) | two persons  | \$439   |
| (c) | three persons  | \$549   |
| (d) | four persons   | \$663   |
| (e) | five persons   | \$775   |
| (f) | six persons  | \$887   |
| (g) | seven persons  | \$999   |
| (h) | eight persons  | \$1,134 |
| (i) | add <del>[\$111]</del> \$112 for each additional person. |         |

**E. Special needs:**

(1) **Special clothing allowance:** A special clothing allowance may be issued to assist in preparing a child for school, subject to the availability of state or federal funds and a specific allocation of the available funds for this allowance.

(a) For purposes of determining eligibility for the clothing allowance, a child is considered to be of school age if the child is six years of age or older and less than age 19 by the end of August.

(b) The clothing allowance shall be allowed for each school-age child who is included in the NMW, TBP, state funded qualified aliens, or EWP cash assistance benefit group, subject to the availability of state or federal funds.

(c) The clothing allowance is not allowed in determining eligibility for NMW, TBP, state funded qualified aliens, EWP cash assistance, or wage subsidy.

(2) **Layette:** A one-time layette allowance of \$25 is allowed upon the birth of a child who is included in the benefit group. The allowance shall be authorized by no later than the end of the month following the month in which the child is born.

(3) **Special circumstance:** Dependent upon the availability of funds and in accordance with the federal act, the HSD secretary, may establish a separate, non-recurring, cash assistance program that may waive certain New Mexico Works Act requirements due to a specific situation. This cash assistance program shall not exceed a four month time period, and is not intended to meet recurrent or ongoing needs.

**F. Non-inclusion of legal guardian in benefit group:** Based on the availability of state and federal funds, the department may limit the eligibility of a benefit group due to the fact that a legal guardian is not included in the benefit group.

[8.102.500.8 NMAC - Rp 8.102.500.8 NMAC, 07/01/2001; A, 10/01/2001; A, 10/01/2002; A, 10/01/2003; A/E, 10/01/2004; A/E, 10/01/2005; A, 07/17/2006; A/E, 10/01/2006; A/E, 10/01/2007; A, 11/15/2007; A, 01/01/2008; A/E, 10/01/2008; A, 08/01/2009; A, 08/14/2009; A/E, 10/01/2009; A, 10/30/2009; A, 01/01/2011; A, 01/01/2011; A, 07/29/2011; A/E, 10/01/2011; A/E, 10/01/2012; A/E, 10/01/2013; A/E, 10/01/2014; A, 10/01/2015; A, 10/01/2016; A/E, 10/01/2017; A, 02/01/2018; A/E, 10/01/2018; A, 03/01/2019; A/E, 10/01/2019; A, 03/01/2020; A/E, 10/01/2020; A, 03/01/2021; A/E, 10/01/2021; A 04/01/2022; A/E, 10/01/2022; A, 04/01/2023; A/E 10/1/2023; A, 3/1/2025; A/E 10/1/2025]