

NOTICE OF RULEMAKING AND PUBLIC RULE HEARING

The New Mexico Early Childhood Education and Care Department (ECECD) hereby gives notice as required under Section 14-4-5.2 NMSA 1978 and 1.24.25.11 NMAC, that it proposes to promulgate the following rules regarding SOCIAL SERVICES CHILD CARE LICENSING REQUIREMENTS GOVERNING THE CHILD CARE FACILITY LOAN ACT as authorized by Subsection E of Section 9-29-6 NMSA 1978;

8.9.9 NMAC - REQUIREMENTS GOVERNING THE CHILD CARE FACILITY LOAN ACT

No technical scientific information was consulted in drafting these proposed rules.

Purpose of proposed rules: The purpose of the rulemaking is to replace regulations originally promulgated by CYFD for purposes of the Child Care Facility Loan Act. Statutory updates transferred the responsibility over this act to ECECD. 8.16.3 NMAC will be replaced with 8.9.9 NMAC. Furthermore, ECECD is promulgating these rules to provide for its own agency regulations as well as to align to the New Mexico Finance Authority (NMFA) standards. NMFA and ECECD, per the Child Care Facility Loan Act, are promulgating these regulations to streamline the loan application process and to facilitate ease of access to the administration and implementation of the Child Care Facility Loan Act.

Summary of Proposed Rules: In summary, the proposed rule replacement for 8.16.3 NMAC to 8.9.9 NMAC will update regulations to align with amendments made to the Child Care Facility Loan Act, NMSA 1978 § 24-24-1 to -4, made during the 2024 regular legislative session, and to align regulations with NMFA procedures. These rules establish eligibility guidelines, loan application requirements and evaluation procedures for applications for loans to child care providers. Changes made include adding loans for operating capital in addition to safety improvements, updating definitions, setting the minimum requirement for interest rates, and updating requirements for the term of the loan.

As part of the amendment process, ECECD will hold a public rule hearing for the proposed amendments on December 6, 2024, from 9:00 a.m. to 10:00 a.m.

Copies of the proposed amended rules may also be found at ECECD's website at Regulation Changes | Early Childhood Education and Care Department (nmececd.org) 30 days prior to the Public Hearing.

Notice of public rule hearing: The public rule hearing will be held on December 6, 2024, from 9:00 a.m. to 10:00 a.m. for proposed rule replacement for 8.16.3 NMAC to 8.9.9 NMAC. The hearing will be held in Apodaca Hall of the PERA Building located at 1120 Paseo de Peralta, Santa Fe, New Mexico 87502 and via virtual web platform (Zoom), email, and telephonic means. The public hearing will be conducted in a fair and equitable manner by an ECECD agency representative or hearing officer and shall be recorded. Any interested member of the public may attend the hearing and will be provided with a reasonable opportunity to offer public comment, either orally or in writing, including presentation of data, views, or arguments, on the proposed rules during the hearing. Individuals with disabilities who need any form of auxiliary aid to attend or participate in the public hearing are asked to contact ECECD at ECECD-ECS-PublicComment@ECECD.NM.Gov or call (505) 231-5820. ECECD will make every effort to accommodate all reasonable requests but cannot guarantee accommodation of a request that is not received at least ten calendar days before the scheduled hearing.

Notice of acceptance of written public comment: Written public comment, including presentation of data, views, or arguments about the proposed rules, from any interested member of the public, may be submitted via email to ECECD-ECS-PublicComment@ECECD.NM.Gov with the subject line "8.9.9 NMAC Public Comment" or via first class mail to P.O. Drawer 5619, Santa Fe, New Mexico 87502 – 5619. Written comments may be delivered to the Old PERA building at 1120 Paseo De Peralta on December 6, 2024, from 9:00 a.m. to 10:00 a.m. The deadline to submit comments is at the end of the public hearing on December 6, 2024.

Any interested member of the public may attend the hearing in person, or via the virtual web platform or telephone, and offer public comments on the proposed rule during the hearing. To access the hearing by telephone: please call 1-253-215-8782 – Meeting ID: 859 0874 7515. You will be able to hear the full hearing, and your telephone comments will be recorded. To access the hearing via the internet: please go to <https://nmececdorg.zoom.us/j/85908747515> and follow the instructions indicated on the screen – Meeting ID: 859 0874 7515. This will be a live stream of the hearing. You may also provide comment via chat during the live streaming.