

**TITLE 8 SOCIAL SERVICES**  
**CHAPTER 139 FOOD STAMP PROGRAM**  
**PART 501 TRANSITIONAL FOOD STAMP BENEFIT ELIGIBILITY**

**8.139.501.1 ISSUING AGENCY:** New Mexico Human Services Department  
[8.139.501.1 NMAC - N, 09/01/2003]

**8.139.501.2 SCOPE:** General public  
[8.139.501.2 NMAC - N, 09/01/2003]

**8.139.501.3 STATUTORY AUTHORITY:** The food stamp program is authorized by the Food Stamp Act of 1977 as amended (7 U.S.C. 2011 et. seq.). Regulations issued pursuant to the act are contained in 7 CFR Parts 270-282. State authority for administering the food stamp program is contained in Chapter 27 NMSA 1978. Administration of the human services department (HSD), including its authority to promulgate regulations, is governed by Chapter 9, Article 8, NMSA 1978 (Repl. 1983).  
[8.139.501.3 NMAC - N, 09/01/2003]

**8.139.501.4 DURATION:** Permanent  
[8.139.501.4 NMAC - N, 09/01/2003]

**8.139.501.5 EFFECTIVE DATE:** September 1, 2003, unless a later date is cited at the end of a section.  
[8.139.501.5 NMAC - N, 09/01/2003; A, 09/01/2017]

**8.139.501.6 OBJECTIVE:** The objective of transitional food stamp benefit assistance is to maximize the food purchasing power for and assist in the transition of TANF households that also receive food stamp benefits when the TANF household faces termination of cash assistance benefits. Transitional food stamp benefit assistance is authorized by the Farm Security and Rural Investment Act of 2002, also known as the "Farm Bill, at Title IV, Section 4115.  
[8.139.501.6 NMAC - N, 09/01/2003]

**8.139.501.7 DEFINITIONS:** [RESERVED]  
[8.139.501.7 NMAC - N, 09/01/2003]

**8.139.501.8 TRANSITIONAL FOOD STAMP BENEFITS:**

**A. Requirement:** Transitional food stamp (TFS) benefits shall be extended to households that receive food stamp benefits and also receiving payments from one of the following cash assistance programs:

- (1) TANF; or
- (2) New Mexico education works; or
- (3) transition bonus program; or
- (4) GA dependent child program

**B. Conditions:** Transitional food stamp benefits shall be extended to a household receiving food stamp benefits under the following conditions:

- (1) cash assistance payments for any of the cash assistance programs listed above will be terminated; and
- (2) the household received food stamp benefits in the same month the determination is made that the cash assistance payment will be terminated.

**C. Extending transitional food stamp benefits:** A food stamp household shall be eligible for TFS if the household meets any one of the following conditions:

- (1) **Gross income exceeds the cash assistance limit:** The cash assistance payment is terminated because the benefit group's gross income exceeds the gross income limit for the size of the benefit group.
- (2) **Net income exceeds the cash assistance limit:** The cash assistance payment is terminated because the benefit group's net income exceeds the net income limit for the size of the cash assistance benefit group.
- (3) **Cash assistance ineligibility at recertification:** The cash assistance payment is terminated at recertification, and after the interview, because the benefit group is determined to be ineligible to

continue receiving cash assistance or the benefit group chooses not to continue receiving cash assistance for any reason.

(4) **Same certification period end date:** The food stamp and the cash assistance certification period end dates are in the same month and the benefit group chooses not to continue with the cash assistance recertification process for any reason.

(5) **No dependent children:** The cash assistance payment is terminated because there are no longer any eligible dependent children in the cash assistance benefit group.

(6) **60-month term limit:** The cash assistance payment is terminated because at least one adult in the TANF benefit group has reached the TANF 60-month term limit for receipt of cash assistance, the 18-month time limit for the transition bonus program, or the EWP term limit.

(7) **TANF hardship extension ends:** The TANF cash assistance payment is terminated because the hardship extension of TANF cash assistance ends.

(8) **Term limit appeal status:** The cash assistance benefit group has appealed the termination of cash assistance due to the term limit and the benefits are terminated because the hearing decision is in favor of the department.

(9) **Wage subsidy program participation:** The TANF cash assistance payment is terminated because the benefit group has been accepted into the wage subsidy program pursuant to 8.102.460.19 NMAC.

(10) **Head of household requests closure of cash assistance case:** The head of household requests closure of the cash assistance case in writing, as long as the benefit group continues to reside in New Mexico.

**D. Households not eligible for TFS:** Certain food stamp households shall not be extended TFS if at the time the TANF cash assistance payment is terminated:

(1) a TANF benefit group is in sanction status at the third sanction level because a TANF benefit group member has failed to comply with work requirements, child support enforcement or reporting requirements;

(2) a TANF benefit group is in sanction status at the first or second sanction level because a TANF benefit group member has failed to comply with work requirements, child support enforcement or reporting requirements;

(3) a TANF benefit group's payment is terminated because the only dependent child in the benefit group is not in compliance with school attendance requirements;

(4) a food stamp household contains an individual who is disqualified due to a failure of the individual to comply with employment and training work requirements.

[8.139.501.8 NMAC - N, 09/01/2003; A/E, 10/15/2008]

#### **8.139.501.9 TRANSITIONAL BENEFIT PERIOD:**

**A. Determining the transitional benefit period:** The transitional benefit period shall be determined prospectively. TFS shall be issued for five months beginning in the month after the final cash assistance payment is received.

**B. Continuing the transitional benefit period:** The five-month transitional benefit period shall continue even if:

(1) the food stamp household's certification period expires during the transitional benefit period; or

(2) the household's certification period exceeds 12 months.

**C. Expiration of the transitional benefit period:** The TFS household's new certification period shall expire in the fifth month of the transitional benefit period.

[8.139.501.9 NMAC - N, 09/01/2003; A/E, 10/15/2008]

#### **8.139.501.10 DETERMINING THE TRANSITIONAL FOOD STAMP BENEFIT AMOUNT:**

**A. Calculating the TFS benefit amount:** The TFS benefit amount for the transitional benefit period shall be determined by continuing to count:

(1) all the earned income that was used to calculate the food stamp benefit amount, except that any new income that caused the cash assistance to be terminated shall be excluded; and

(2) all the unearned income that was used to calculate the food stamp benefit amount, except that the TANF cash assistance payment shall be excluded.

**B. Changes to the TFS benefit amount:** Once the TFS benefit amount has been determined, the amount shall be issued for the five-month transitional benefit period unless:

- (1) the TFS household chooses to change the TFS benefit amount or end the transitional benefit period by submitting an application for recertification; or
- (2) the TFS amount is adjusted as a result of a change reported by the TFS household subject to Subsection C of 8.139.501.11 NMAC.

[8.139.501.10 NMAC - N, 09/01/2003; A/E, 10/15/2008]

**8.139.501.11 REPORTING REQUIREMENTS DURING THE TRANSITIONAL BENEFIT PERIOD:**

**A. Suspending reporting requirements for TFS households:** ISD will suspend all reporting requirements during the TFS household's transitional benefit period.

**B. Requirement to provide the TFS household with change reporting information during the transitional benefit period:**

(1) A SNAP household that becomes eligible for TFS benefits shall be advised that a change in address should be reported in order to ensure that the household continues to receive notices or other mail from the department during the transitional benefit period.

(2) A SNAP household that becomes eligible for TFS benefits shall be advised that the household is not required to report any changes in the household's circumstances during the transitional benefit period.

(3) A TFS household shall be advised that the household may file an application for recertification during the transitional benefit period if a change has occurred that will most likely increase the household's SNAP benefit amount, such as, but not limited to the addition of a new household member with no income of his own or the loss of income for a household member.

**C. Action on reported changes:** Action shall be taken to adjust the TFS benefit amount during the transitional benefit period without requiring an application for recertification only under the following conditions:

(1) a member of the TFS household files an application for SNAP benefits on his or her own behalf; or

(2) a newborn child is added to the TFS household.

**D. Requirement to file an application for recertification:** A TFS household that reports a change, other than an address change or those in Subsection C above, during the transitional benefit period shall be required to file an application for recertification of eligibility.

[8.139.501.11 NMAC - N, 09/01/2003; A/E, 10/15/2008; A, 09/01/2017]

**8.139.501.12 CONTINUING SNAP AFTER THE TRANSITIONAL BENEFIT PERIOD:**

**A.** A household receiving TFS shall be recertified using the recertification requirements at 7 CFR 273.14(b) to determine if they can continue receiving a SNAP benefit after the transitional period. The recertification requirements shall inform the TFS household of the expiration of the transitional benefit period and the need to reapply in the fifth month of the transitional benefit period in order to determine the household's eligibility to continue participation in the SNAP program.

**B.** A TFS household shall be required to file an application for recertification and to complete the recertification process in the fifth month of the transitional benefit period to determine continued eligibility to participate in SNAP.

(1) If otherwise eligible, the SNAP household shall be assigned a new certification period beginning the month following the expiration of the transitional benefit period.

(2) A household that fails to file an application or to complete the application process in the fifth month of the transitional benefit period shall lose eligibility to continue participation in SNAP.

[8.139.501.12 NMAC - N, 09/01/2003; A, 09/01/2017]

**8.139.501.13 TERMINATING TRANSITIONAL FOOD STAMP BENEFITS:** The TFS benefit shall be terminated if the food stamp household:

**A.** files an application for recertification at the end of the transitional benefit period and is either approved for a new certification period or denied continued food stamp benefits;

**B.** files an application for recertification during the transitional benefit period in order to change the food stamp benefit amount;

**C.** requests closure of the food stamp case in writing;

**D.** files an application for cash assistance and is approved for a new certification period; or

**E.** moves out of state.  
[8.139.501.13 NMAC - N, 09/01/2003; A/E, 10/15/2008]

**HISTORY OF 8.139.501 NMAC: [RESERVED]**