

1 SENATE BILL 267

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO PUBLIC ASSISTANCE; CHANGING PROVISIONS OF THE NEW
12 MEXICO WORKS ACT; ALLOWING HOMELESSNESS TO BE A WORK
13 REQUIREMENT EXEMPTION; SETTING THE FINANCIAL STANDARD OF NEED;
14 REMOVING CHILD CARE SERVICES AS A CATEGORY FOR GRANTS;
15 EXEMPTING ONE HUNDRED PERCENT OF CHILD SUPPORT FROM INCOME
16 SOURCES; LIMITING SANCTIONS TO ADULT MEMBERS OF A BENEFIT
17 GROUP; SPECIFYING PRO RATA SHARES FOR DIFFERENT BENEFIT GROUPS;
18 CLARIFYING THE SANCTIONS CONCILIATION PROCESS.

19
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

21 SECTION 1. Section 27-2B-3 NMSA 1978 (being Laws 1998,
22 Chapter 8, Section 3 and Laws 1998, Chapter 9, Section 3, as
23 amended) is amended to read:

24 "27-2B-3. DEFINITIONS.--As used in the New Mexico Works
25 Act:

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1 A. "applicant" means a person applying for cash
2 assistance on behalf of a benefit group;

3 B. "benefit group" means a pregnant woman or a
4 group of people that includes a dependent child, all of that
5 dependent child's full, half or adopted siblings or
6 stepsiblings living with the dependent child's parent or
7 relative within the fifth degree of consanguinity and the
8 parent with whom the children live;

9 C. "cash assistance" means cash payments funded by
10 the temporary assistance for needy families block grant
11 pursuant to the federal act and by state funds;

12 D. "department" means the human services
13 department;

14 E. "dependent child" means a natural child, adopted
15 child, stepchild or ward who is:

16 (1) seventeen years of age or younger;

17 (2) eighteen years of age and is enrolled in
18 high school; or

19 (3) between eighteen and twenty-two years of
20 age and is receiving special education services regulated by
21 the public education department;

22 F. "director" means the director of the income
23 support division of the department;

24 G. "earned income" means cash or payment in kind
25 that is received as wages from employment or payment in lieu of

1 wages; and earnings from self-employment or earnings acquired
2 from the direct provision of services, goods or property,
3 production of goods, management of property or supervision of
4 services;

5 H. "federal act" means the federal Social Security
6 Act and rules promulgated pursuant to the Social Security Act;

7 I. "federal poverty guidelines" means the level of
8 income defining poverty by family size published annually in
9 the federal register by the United States department of health
10 and human services;

11 J. "homelessness" means members of a benefit group
12 that lack a fixed, regular and adequate nighttime residence,
13 including:

14 (1) children and youth who are sharing the
15 housing of other persons due to loss of housing, economic
16 hardship or a similar reason; are living in motels, hotels,
17 trailer parks or camping grounds due to the lack of alternative
18 adequate accommodations; are living in emergency or
19 transitional shelters; or are abandoned in hospitals;

20 (2) children and youth who have a primary
21 nighttime residence that is a public or private place not
22 designed for or ordinarily used as a regular sleeping
23 accommodation for human beings;

24 (3) children and youth who are living in cars,
25 parks, public spaces, abandoned buildings, substandard housing,

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1 bus or train stations or similar settings;

2 (4) migratory children who qualify as homeless
3 because the children are living in circumstances described in
4 this subsection; and

5 (5) a family that is receiving a supportive
6 housing or rapid rehousing voucher pursuant to federal law;

7 ~~[J.]~~ K. "immigrant" means alien as defined in the
8 federal act;

9 ~~[K.]~~ L. "parent" means natural parent, adoptive
10 parent or stepparent;

11 ~~[L.]~~ M. "participant" means a recipient of cash
12 assistance or services or a member of a benefit group who has
13 reached the age of majority;

14 ~~[M.]~~ N. "person" means an individual;

15 O. "pro rata share" means the amount of the cash
16 assistance divided among the benefit group;

17 ~~[N.]~~ P. "secretary" means the secretary of the
18 department;

19 ~~[O.]~~ Q. "services" means child care assistance;
20 payment for employment-related transportation costs; job search
21 assistance; employment counseling; employment, education and
22 job training placement; one-time payment for necessary
23 employment-related costs; case management; or other activities
24 whose purpose is to assist transition into employment;

25 ~~[P.]~~ R. "unearned income" means old age, survivors

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1 and disability insurance; railroad retirement benefits;
2 veterans administration compensation or pension; military
3 retirement; pensions, annuities and retirement benefits; lodge
4 or fraternal benefits; shared shelter payments; settlement
5 payments; individual Indian money; child support; unemployment
6 compensation benefits; union benefits paid in cash; gifts and
7 contributions; and real property income;

8 [Q-] S. "vehicle" means a conveyance for the
9 transporting of individuals to or from employment, for the
10 activities of daily living or for the transportation of goods;
11 "vehicle" does not include any boat, trailer or mobile home
12 used as a principal place of residence; and

13 [R-] T. "vocational education" means an organized
14 educational program that is directly related to the preparation
15 of a person for employment in a current or emerging occupation
16 requiring training other than a baccalaureate or advanced
17 degree. Vocational education must be provided by an
18 educational or a training organization, such as a vocational-
19 technical school, community college, post-secondary educational
20 institution or proprietary school."

21 SECTION 2. Section 27-2B-4 NMSA 1978 (being Laws 1998,
22 Chapter 8, Section 4 and Laws 1998, Chapter 9, Section 4, as
23 amended) is amended to read:

24 "27-2B-4. APPLICATION--RESOURCE PLANNING SESSION--
25 INDIVIDUAL RESPONSIBILITY PLANS--PARTICIPATION AGREEMENT--

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1 REVIEW PERIODS.--

2 A. Application for cash assistance or services
3 shall be made to the department. The application shall be in
4 writing or reduced to writing in the manner and on the form
5 prescribed by the department. The application shall be made
6 under oath by an applicant having custody of or residing with a
7 dependent child who is a benefit group member and shall contain
8 a statement of the age of the child, residence, a complete
9 statement of the amount of property in which the applicant has
10 an interest, a statement of all income that the applicant and
11 other benefit group members have at the time of the filing of
12 the application and other information required by the
13 department.

14 B. The department shall assist an applicant in
15 completing the application for cash assistance or services and
16 shall evaluate an applicant to determine eligibility for all
17 department programs for which the applicant is eligible. The
18 department shall process all expedited [~~food stamp~~]
19 supplemental nutrition assistance program benefits applications
20 within two business days of submission, and the department
21 shall deliver expedited [~~food stamps~~] supplemental nutrition
22 assistance program benefits to an eligible applicant within
23 seven days of the application.

24 C. At the time of application for cash assistance
25 and services, an applicant and the department shall identify

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1 everyone who is to be counted in the benefit group. Once an
2 application is approved, the participant shall advise the
3 department if there are any changes in the membership of the
4 benefit group.

5 D. No later than thirty days after an application
6 is filed, the department shall provide to an applicant a
7 resource planning session to ascertain the applicant's
8 immediate needs, assess financial and nonfinancial options,
9 make referrals and act on the application.

10 E. No later than five days after an application is
11 approved, the department shall provide reimbursement for child
12 care.

13 F. Whenever the department receives an application
14 for assistance, a verification and record of the applicant's
15 circumstances shall promptly be made to ascertain the facts
16 supporting the application and to obtain other information
17 required by the department. The verification may include a
18 visit to the home of the applicant, as long as the department
19 gives adequate prior notice of the visit to the applicant.

20 G. No later than fifteen days after an application
21 is approved, the department shall assess the education, skills,
22 prior work experience and employability of the participant and
23 discuss with the participant work requirement exemption factors
24 listed in Subsection H of Section 27-2B-5 NMSA 1978.

25 H. After the initial identification of goals and

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1 assessment of skills, the department shall work with the
2 participant to develop an individual responsibility plan that:

3 (1) sets forth an employment goal for the
4 participant and a plan for moving the participant into
5 employment;

6 (2) sets forth obligations of the participant
7 that may include a requirement that the participant attend
8 school, maintain certain grades and attendance, keep the
9 participant's school-age children in school, immunize the
10 participant's children or engage in other activities that will
11 help the participant become and remain employed;

12 (3) is designed to the greatest extent
13 possible to move the participant into ~~[whatever employment the~~
14 ~~participant is capable of handling]~~ employment that will help
15 the participant achieve the participant's goals and to provide
16 additional services as necessary to increase the responsibility
17 and amount of work the participant will handle over time;

18 (4) describes the services the department may
19 provide so that the participant may obtain and keep employment;
20 and

21 (5) may ~~[require the participant to~~
22 ~~participate]~~ include participation in appropriate services,
23 such as substance abuse, domestic violence or mental health
24 services.

25 I. The participant and the department shall sign

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1 the participant's individual responsibility plan. [~~The~~
2 ~~department shall not allow a participant to decline to~~
3 ~~participate in developing an individual responsibility plan.~~]

4 The department shall not waive the requirement that a
5 participant develop an individual responsibility plan. The
6 department shall emphasize the importance of the individual
7 responsibility plan to the participant.

8 [~~J. If a participant does not develop an individual~~
9 ~~responsibility plan, refuses to sign an individual~~
10 ~~responsibility plan or refuses to attend semiannual reviews of~~
11 ~~an individual responsibility plan, the participant shall be~~
12 ~~required to enter into a conciliation process pursuant to~~
13 ~~Subsection C of Section 27-2B-14 NMSA 1978. If the participant~~
14 ~~persists in noncompliance with the individual responsibility~~
15 ~~plan process after the conciliation process, the participant~~
16 ~~shall be subject to sanctions pursuant to Section 27-2B-14 NMSA~~
17 ~~1978.~~

18 ~~K.]~~ J. The participant shall also sign a
19 participation agreement that designates the number of hours
20 that the participant must participate in work activities to
21 meet participation standards.

22 [~~L.]~~ K. The department shall review the current
23 financial eligibility of a benefit group when the department
24 reviews [~~food stamp~~] supplemental nutrition assistance program
25 benefits eligibility.

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1 [M-] L. The department shall meet semiannually with
2 a participant to review and revise the participant's individual
3 responsibility plan.

4 [N-] M. The department shall develop a complaint
5 procedure to address issues pertinent to the delivery of
6 services and other issues relating to a participant's
7 individual responsibility plan."

8 **SECTION 3.** Section 27-2B-5 NMSA 1978 (being Laws 1998,
9 Chapter 8, Section 5 and Laws 1998, Chapter 9, Section 5, as
10 amended) is amended to read:

11 "27-2B-5. WORK REQUIREMENTS--WORK PARTICIPATION RATES.--

12 A. The following qualify as work activities:

13 (1) unsubsidized employment, including self-
14 employment;

15 (2) subsidized private sector employment,
16 including self-employment;

17 (3) subsidized public sector employment;

18 (4) work experience;

19 (5) on-the-job training;

20 (6) job search and job readiness;

21 (7) community service programs;

22 (8) vocational education;

23 (9) job skills training activities directly
24 related to employment;

25 (10) education directly related to employment;

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1 (11) satisfactory attendance at a secondary
2 school or course of study leading to a high school equivalency
3 credential in the case of a participant who has not completed
4 secondary school or received such a certificate; ~~and~~

5 (12) the provision of child care services to a
6 participant who is participating in a community service
7 program; and

8 (13) other activities approved by the
9 department that will help the participant achieve the
10 participant's goals.

11 B. The department shall recognize community service
12 programs and job training programs that are operated by an
13 Indian nation, tribe or pueblo.

14 C. The department may not require a participant to
15 work more than four hours per week over the work requirement
16 rate set pursuant to the federal act.

17 D. The department shall require a parent, caretaker
18 or other adult who is a member of a benefit group to engage in
19 a work activity.

20 E. Where best suited [~~for the participant to~~
21 ~~address barriers, the department may require the following work~~
22 ~~activities]~~ to help the participant eliminate barriers or
23 achieve the participant's goals, the participant may
24 participate in the following activities:

25 (1) participating in parenting classes, money

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1 management classes or life skills training;

2 (2) participating in a certified alcohol or
3 drug addiction program;

4 (3) in the case of a homeless benefit group,
5 [~~finding~~] searching for a home;

6 (4) in the case of a participant who is a
7 victim of domestic violence, residing in a domestic violence
8 shelter or receiving counseling or treatment or participating
9 in criminal justice activities directed at prosecuting the
10 domestic violence perpetrator for no longer than twenty-four
11 weeks; and

12 (5) in the case of a participant who does not
13 speak English, participating in a course in English as a second
14 language.

15 F. Subject to the availability of funds, the
16 department in cooperation with the workforce solutions
17 department, Indian affairs department and other appropriate
18 state agencies may develop projects to provide for the
19 placement of participants in work activities, including the
20 following:

21 (1) participating in unpaid internships with
22 private and government entities;

23 (2) refurbishing publicly assisted housing;

24 (3) volunteering at a head start program or a
25 school;

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- 1 (4) weatherizing low-income housing; and
2 (5) restoring public sites and buildings,
3 including monuments, parks, fire stations, police buildings,
4 jails, libraries, museums, auditoriums, convention halls,
5 hospitals, buildings for administrative offices and city halls.

6 ~~[G. If a participant is engaged in full-time~~
7 ~~vocational education studies or an activity set out in~~
8 ~~Paragraphs (9) through (11) of Subsection A of this section,~~
9 ~~the participant shall engage in another work activity at the~~
10 ~~same time. Additionally, for two-parent families that receive~~
11 ~~federally funded child-care assistance, the participant's~~
12 ~~spouse shall engage in a work activity set out in Paragraphs~~
13 ~~(1) through (5) or (7) of Subsection A of this section unless~~
14 ~~the participant suffers from a temporary or complete disability~~
15 ~~that bars the participant from engaging in a work activity or~~
16 ~~the participant is barred from engaging in a work activity~~
17 ~~because the participant provides sole care for a person with a~~
18 ~~disability.~~

19 H.] G. A participant engaged in vocational
20 education studies shall make reasonable efforts to obtain a
21 loan, scholarship, grant or other assistance to pay for costs
22 and tuition, and the department shall disregard those amounts
23 in the eligibility determination.

24 ~~[F.]~~ H. A participant is exempt from the work
25 requirement if the participant is determined by the department

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1 to meet an exemption listed in this subsection. For as long as
2 the described conditions exist, the following are exempt from
3 the work requirement:

4 (1) a participant who is barred from engaging
5 in a work activity because the participant has a temporary or
6 permanent disability;

7 (2) a participant who is over age sixty;

8 (3) a participant who is barred from engaging
9 in a work activity because the participant provides the sole
10 care for a person with a disability;

11 (4) a single custodial parent who is caring
12 for a child less than twelve months old [~~for a lifetime total~~
13 ~~of twelve months~~];

14 (5) a single custodial parent who is caring
15 for a child under six years of age if the parent is unable to
16 obtain child care for one or more of the following reasons:

17 (a) unavailability of appropriate child
18 care within a reasonable distance from the parent's home or
19 work as defined by the [~~children, youth and families~~] early
20 childhood education and care department;

21 (b) unavailability or unsuitability of
22 informal child care by a relative under other arrangements as
23 defined by the [~~children, youth and families~~] early childhood
24 education and care department; or

25 (c) unavailability of appropriate and

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1 affordable formal [~~child-care~~] child care arrangements as
2 defined by the [~~children, youth and families~~] early childhood
3 education and care department;

4 (6) a pregnant woman [~~during~~] who is in her
5 last trimester of pregnancy;

6 (7) a participant who is prevented from
7 working by a temporary emergency or a situation that precludes
8 work participation for thirty days or less;

9 (8) a participant who demonstrates by
10 [~~reliable~~] medical, psychological or mental reports, counselor
11 or social worker written or oral verifications, court orders or
12 police reports that family violence or threat of family
13 violence effectively bars the participant from employment;
14 [~~and~~]

15 (9) a participant who is experiencing family
16 homelessness; and

17 [~~(9)~~] (10) a participant who demonstrates good
18 cause of the need for the exemption.

19 [~~J.~~] I. As a condition of the exemptions identified
20 in Subsection [~~I~~] H of this section, the department may
21 establish participation requirements specific to the
22 participant's condition or circumstances, such as substance
23 abuse services, mental health services, domestic violence
24 services, pursuit of disability benefits, job readiness or
25 education directly related to employment. The activities are

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1 established to improve the participant's capacity to improve
2 income and strengthen family support."

3 SECTION 4. Section 27-2B-7 NMSA 1978 (being Laws 1998,
4 Chapter 8, Section 7 and Laws 1998, Chapter 9, Section 7, as
5 amended) is amended to read:

6 "27-2B-7. FINANCIAL STANDARD OF NEED.--

7 A. The secretary shall adopt a financial standard
8 of need at or above fifty percent of the federal poverty
9 guidelines, with annual cost-of-living adjustments based [upon]
10 on the availability of federal and state funds and based upon
11 appropriations by the legislature of the available federal
12 temporary assistance for needy families grant made pursuant to
13 the federal act in the following categories:

14 (1) cash assistance;

15 [~~(2)~~] ~~child care services;~~

16 ~~(3)]~~ (2) other services that go to families
17 that qualify for temporary assistance for needy families; and

18 [~~(4)]~~ (3) administrative costs.

19 The legislature shall determine the actual percentage of
20 each category to be used annually of the federal temporary
21 assistance for needy families grant made pursuant to the
22 federal act. Within the New Mexico works program, the
23 department may provide cash assistance or services to specific
24 categories of benefit groups from general funds appropriated to
25 cash assistance or services. The department may exclude these

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1 funds from temporary assistance for needy families maintenance
2 of effort. The department shall identify alternative state
3 spending to claim as maintenance of effort and make necessary
4 arrangements to allow reporting of that spending.

5 B. The following income sources are exempt from the
6 gross income test, the net income test and the cash payment
7 calculation:

- 8 (1) medicaid;
- 9 (2) ~~[food stamps]~~ supplemental nutrition
10 assistance program benefits;
- 11 (3) government-subsidized foster care payments
12 if the child for whom the payment is received is also excluded
13 from the benefit group;
- 14 (4) supplemental security income;
- 15 (5) government-subsidized housing or housing
16 payments;
- 17 (6) federally excluded income;
- 18 (7) educational payments made directly to an
19 educational institution;
- 20 (8) government-subsidized child care;
- 21 (9) earned income that belongs to a person
22 seventeen years of age or younger who is not the head of
23 household;
- 24 (10) one hundred percent of child support
25 passed through to the participant by the child support

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1 enforcement division of the department [~~in the following~~
2 ~~amounts:~~

3 ~~(a) fifty dollars (\$50.00) per month~~
4 ~~through December 31, 2008; and~~

5 ~~(b) no later than January 1, 2009, a~~
6 ~~minimum of one hundred dollars (\$100) for one child and two~~
7 ~~hundred dollars (\$200) for two or more children as based on the~~
8 ~~availability of state or federal funds];~~

9 (11) earned income deposited in an individual
10 development account by a member of the benefit group or money
11 received as matching funds for allowable uses by the owner of
12 the individual development account pursuant to the Individual
13 Development Account Act; and

14 (12) other income sources as determined by the
15 department.

16 C. The total countable gross earned and unearned
17 income of the benefit group cannot exceed eighty-five percent
18 of the federal poverty guidelines for the size of the benefit
19 group.

20 D. For a benefit group to be eligible to
21 participate:

22 (1) gross countable income that belongs to the
23 benefit group must not exceed eighty-five percent of the
24 federal poverty guidelines for the size of the benefit group;
25 and

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1 (2) net countable income that belongs to the
2 benefit group must not equal or exceed the financial standard
3 of need after applying the disregards set out in Paragraphs (1)
4 through (4) of Subsection E of this section.

5 E. Subject to the availability of state and federal
6 funds, the department shall determine the cash payment of the
7 benefit group by applying the following disregards to the
8 benefit group's earned income and then subtracting that amount
9 from the benefit group's financial standard of need:

10 (1) one hundred twenty-five dollars (\$125) of
11 monthly earned income and one-half of the remainder, or for a
12 two-parent family, two hundred twenty-five dollars (\$225) of
13 monthly earned income and one-half of the remainder for each
14 parent;

15 (2) monthly payments made for child care at a
16 maximum of two hundred dollars (\$200) for a child under two
17 years of age and at a maximum of one hundred seventy-five
18 dollars (\$175) for a child two years of age or older;

19 (3) costs of self-employment income; and

20 (4) business expenses.

21 F. In addition to the disregards specified in
22 Subsection E of this section, and between June 28, 2007 and
23 June 30, 2008, or until implementation of the employment
24 retention and advancement bonus program described in Subsection
25 G of this section, the department shall apply the following

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1 income disregards to the benefit group's earned income and then
2 subtract that amount from the benefit group's financial
3 standard of need:

4 (1) for the first two years of receiving cash
5 assistance or services, if a participant works over the work
6 requirement rate set by the department pursuant to the New
7 Mexico Works Act, one hundred percent of the income earned by
8 the participant beyond that rate; and

9 (2) for the first two years of receiving cash
10 assistance or services, for a two-parent benefit group in which
11 one parent works more than thirty-five hours per week and the
12 other works more than twenty-four hours per week, one hundred
13 percent of income earned by each participant beyond the work
14 requirement rate set by the department.

15 G. No later than July 1, 2008, New Mexico
16 employment incentives shall be as follows:

17 (1) the department shall implement an
18 employment retention and advancement bonus program based on
19 availability of state or federal funds that includes financial
20 incentives to encourage a participant to:

21 (a) leave the New Mexico works program
22 and move into an employment retention and advancement bonus
23 incentive program;

24 (b) maintain a minimum of thirty hours
25 per week employment; and

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1 (c) leave the employment retention and
2 advancement bonus incentive program due to increased earnings
3 above the income eligibility standard and continue employment;

4 (2) the employment retention and advancement
5 bonus incentive program shall provide a cash bonus and
6 employment services to a former participant who, upon
7 application:

8 (a) is currently engaged in paid work
9 for a minimum of thirty hours per week;

10 (b) has received cash assistance for at
11 least three months and one of the last three months;

12 (c) has had a gross income of less than
13 one hundred fifty percent of the federal poverty guidelines;
14 and

15 (d) has participated in the employment
16 retention and advancement bonus incentive program for no longer
17 than eighteen months;

18 (3) for continued eligibility in the
19 employment retention and advancement bonus incentive program, a
20 participant shall:

21 (a) be engaged in paid work for thirty
22 hours per week for at least one of the past three months;

23 (b) be engaged in paid work for thirty
24 hours per week for at least four of the past six months;

25 (c) have had gross income less than one

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1 hundred fifty percent of the federal poverty guidelines; and

2 (d) have participated in the program no
3 more than eighteen months;

4 (4) the department shall provide employment
5 services to assist participants in gaining access to available
6 work supports, maintain employment and advance to higher-paying
7 employment; and

8 (5) the department shall:

9 (a) establish the amount of bonus to be
10 paid to participants in the employment retention and
11 advancement bonus program based on availability of state and
12 federal funds;

13 (b) propose rules to implement the
14 employment retention and advancement bonus incentive program of
15 this subsection no later than January 1, 2008; and

16 (c) begin implementation of the
17 employment retention and advancement bonus incentive program of
18 this subsection no later than July 1, 2008.

19 H. The department may recover overpayments of cash
20 assistance on a monthly basis not to exceed fifteen percent of
21 the financial standard of need applicable to the benefit group.

22 I. Based upon the availability of funds and in
23 accordance with the federal act, the secretary may establish a
24 separate temporary assistance for needy families cash
25 assistance program that may waive certain New Mexico Works Act

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1 requirements due to a specific situation.

2 J. Subject to the availability of state and federal
3 funds, the department may limit the eligibility of benefit
4 groups that are eligible because a legal guardian is not
5 included in the benefit group."

6 SECTION 5. Section 27-2B-14 NMSA 1978 (being Laws 1998,
7 Chapter 8, Section 14 and Laws 1998, Chapter 9, Section 14, as
8 amended by Laws 2003, Chapter 311, Section 5 and Laws 2003,
9 Chapter 432, Section 5) is amended to read:

10 "27-2B-14. SANCTIONS.--

11 A. The department shall sanction [~~a~~] an adult
12 member of a benefit group for noncompliance with work
13 requirements or child support requirements. Only the pro rata
14 share for the adult members of a benefit group may be reduced
15 or terminated.

16 B. For benefit groups that are entirely adults, the
17 group has one hundred percent pro rata share of the cash
18 assistance.

19 C. For a benefit group that includes adults and
20 children or minor parents and children, the pro rata share for
21 the amount of cash assistance shall be designated as follows:

22 (1) seventy-five percent for the child or
23 children in the benefit group unit; and

24 (2) twenty-five percent for the adult member
25 or members, or minor parent or parents of the benefit group

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1 unit.

2 D. For a participant that is a benefit group that
3 includes only adults or a participant who is a pregnant person,
4 one hundred percent of the amount of assistance shall be
5 designated for the adult member or members or the pregnant
6 person.

7 E. The pro rata share of the grant amount
8 designated for children in the benefit group may not be reduced
9 or terminated for noncompliance with the New Mexico works
10 program work requirement or child support requirements.

11 ~~[B.]~~ F. The sanction shall be applied by reducing
12 the pro rata share of cash assistance for adult household
13 members at the following levels:

14 (1) twenty-five percent reduction of cash
15 assistance for the first occurrence of noncompliance;

16 (2) fifty percent reduction of cash assistance
17 for the second occurrence of noncompliance; and

18 (3) termination of cash assistance and
19 ineligibility to reapply for six months for the third
20 occurrence of noncompliance.

21 ~~[C.]~~ G. Prior to imposing the first sanction, if
22 the department determines that a participant is not complying
23 with the work participation requirement or child support
24 requirements, the participant shall be required to enter into a
25 conciliation process established by the department to address

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1 the noncompliance and to identify good cause for noncompliance
2 or barriers to compliance. [~~The conciliation process shall~~
3 ~~occur only once prior to the imposition of the sanction. The~~
4 ~~participant shall have ten working days from the date a~~
5 ~~conciliation notice is mailed to contact the department to~~
6 ~~initiate the conciliation process. A participant who fails to~~
7 ~~initiate the conciliation process shall have a notice of~~
8 ~~adverse action mailed to him after the tenth working day~~
9 ~~following the date on which the conciliation notice is mailed.~~
10 ~~Participants who begin but do not complete the conciliation~~
11 ~~process shall be mailed a notice of adverse action thirty days~~
12 ~~from the date the original conciliation notice was mailed.~~

13 D. ~~Reestablishing compliance shall allow full~~
14 ~~payment to resume.~~

15 E. ~~Noncompliance with reporting requirements may~~
16 ~~subject a participant to other sanctions, except that an adult~~
17 ~~member of the benefit group shall not be sanctioned for the~~
18 ~~failure of a dependent child to attend school.] The department
19 shall provide a thirty-day conciliation period for each
20 instance of noncompliance.~~

21 H. During the thirty-day conciliation periods, the
22 department shall notify the participant of the noncompliance
23 and help the participant by:

24 (1) determining the reasons for noncompliance,
25 including by personally contacting the participant;

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underscoring material = new
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1 (2) evaluating and preparing a written
2 determination of whether the participant qualifies for an
3 exemption from the work requirement pursuant to Section 27-2B-5
4 NMSA 1978 or has good cause for noncompliance pursuant to that
5 section; and

6 (3) sending the participant a letter offering
7 a conciliation conference and assistance in identifying and
8 resolving barriers to compliance.

9 I. The department shall not reduce or terminate
10 cash assistance to a participant until at least thirty days
11 after the day on which the first written notice of
12 noncompliance is sent to the participant.

13 J. When the department determines that a
14 participant is noncompliant with a reporting requirement, the
15 work requirement or child support requirements, the full amount
16 of cash assistance shall resume as soon as the requirements are
17 met.

18 K. An adult member of a benefit group shall not be
19 sanctioned for:

20 (1) the failure of a dependent child to attend
21 school; or

22 (2) voluntarily participating in limited work
23 participation.

24 [F.] L. Effective October 1, 2001, the department
25 shall not terminate the medicaid benefits of any member of a

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underscoring material = new
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1 benefit group due to imposition of a sanction pursuant to the
2 provisions of this section."

3 SECTION 6. EFFECTIVE DATE.--The effective date of the
4 provisions of this act is July 1, 2023.

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