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Federal Court Halts New Mexico's Illegal Limits on Food Assistance

Federal District Court Judge Kenneth Gonzales and Federal Magistrate Judge Carmen Garza issued an injunction late Monday evening preventing the state from implementing a new three month time limit on food assistance. The injunction protects 17,500 eligible New Mexicans from losing food assistance due to problems with the state's administration of the time limit.

On January 1, 2016, the state began implementing new regulations that would penalize childless adults between the ages of 18-50 by limiting them to just 3 months of food assistance if they did not work at least 20 hours a week or participate in a qualifying job training program.

The New Mexico Center on Law and Poverty has been seeking to prevent the state from establishing time limits until they could be implemented without causing eligible people to improperly lose food assistance. The law center filed a request for injunction on behalf of adults improperly subject to the penalty who had not been provided basic information about the rules. Named plaintiffs included homeless and disabled adults and working adults for whom benefits were illegally delayed.

In a six-hour hearing in Las Cruces, Judge Gonzales and Judge Garza heard testimony from people who were at risk of losing the food assistance for three years because the Human Services Department either failed to properly exempt them from the time limit or failed to give them the information necessary to comply with it. In issuing the injunction, the Court recognized the "severe harm," that is likely to result from the state's failed and illegal implementation of the time limit including increased hunger and malnutrition and an increased burden on food banks. The Court found that the harm to applicants greatly outweighed any administrative burden on the state of delaying implementation.

National data shows that adults subject to the time limit are extremely poor, living below 17% of the federal poverty level and usually ineligible for any other form of assistance. New Mexico has the highest unemployment in the United States and some of the high rates of food insecurity in the country. This is the second time that a Court has blocked Governor Martinez from implementing the three month time limit. A New Mexico District Court entered a Temporary Restraining Order in October of 2014 and the Department stipulated to an injunction.

Sovereign Hager, Staff Attorney at the Center on Law and Poverty stated "we are pleased that unemployed adults will not face the illegal loss of food assistance in addition to the economic hardship

that many are already facing in New Mexico. The state must bring the administration of the food assistance program into compliance with the law before opting to implement a three month limit for unemployed adults. We hope that the state will take this time to fix program errors and ensure that any requirements provide meaningful opportunities for unemployed New Mexicans.”

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