

Notice Number 2024-80

Rule Number He-W 654.10 and He-W 656.05

<p>1. Agency Name & Address:</p> <p>Dept. of Health and Human Services Bureau of Family Assistance 129 Pleasant St., Brown Bldg. Concord, NH 03301</p>	<p>2. RSA Authority: <u>RSA 167:3-c, I</u></p> <p>3. Federal Authority: <u>45 CFR 233.51</u></p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u>X</u></p>
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5. Short Title: **Deemed Income from a Non-Citizen’s Sponsor and Real Property Resources**

6. (a) Summary of what the rule says and of any proposed amendments including whether the rule implements a state statute for the first time:

He-W 654.10 specifies how and when income from a non-citizen’s sponsor shall be deemed to the non-citizen and, if applicable, other members of the assistance group.

The Department of Health and Human Services (Department) is proposing to readopt with amendment He-W 654.10 by:

- **Updating the procedure by which the amount of income to be deemed to a non-citizen from the non-citizen’s sponsor is determined to current practice;**
- **Removing reference to medical assistance; and**
- **Removing the information regarding deeming of sponsor resources as this rule is specific to income.**

He-W 656.05 specifies how real property resources are treated when an individual is applying for or receiving financial assistance.

The Department is proposing to readopt with amendment He-W 656.05 by:

- **Updating terms and acronyms; and**
- **Including information on real property resources of a non-citizen’s sponsor.**

These rules do not implement a state statute for the first time.

6. (b) Brief description of the groups affected:

Non-citizen sponsors eligible for financial assistance and individuals with real property resources eligible for financial assistance.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Specific State or Federal Statute or Regulations the Rule Implements
He-W 654.10	RSA 167:83, II(l) & (m); 45 CFR 233.51; 45 CFR 233.52; 8 USC 1631; 42 USC 608(f)(1)
He-W 656.05	RSA 161:4-a, II; RSA 167:3-c, I; RSA 167:81; 45 CFR 233.20(a)(3)(i)(B)(5)

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Nicole Valanzola** Title: **Administrative Rules Coordinator -
Administrative Rules Unit**
Address: **Dept. of Health and Human Services** Phone #: **(603) 271-9640**
Administrative Rules Unit Fax#: **(603) 271-5590**
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TTY/TDD Access: Relay NH 1-800-735-2964
or dial 711 (in NH)

The proposed rules may be viewed and downloaded at:
<https://www.dhhs.nh.gov/doing-business-dhhs/legal-services/administrative-rules/nh-administrative-rules-public-comment>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Wednesday, June 5, 2024**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Wednesday, May 29, 2024, at 10:00 a.m.**

Physical Location: **[DHHS Brown Bldg., Auditorium, 129 Pleasant St., Concord, NH](#)**

Electronic Access (if applicable): **N/A**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant):

FIS # 24:070, dated 4/12/2024

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in cost between the proposed rules and the existing rules.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rules modify an existing program or responsibility, but do not mandate any fees, duties, or expenditures on the political subdivisions of the state, and therefore do not violate Part I, Article 28-a of the N.H. Constitution.