



**FOR IMMEDIATE RELEASE**

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**The NM Center on Law and Poverty and the Southwest Organizing Project, along with New Mexicans in need of food assistance, sue the Secretary of the Human Services Department for violating the law by improperly issuing regulations that increase the requirements to obtain food assistance.**

**In issuing strict new requirements of low-income New Mexicans who are seeking food assistance, Sidonie Squire, the Secretary of the Human Services Department, failed to follow legal requirements herself. Her failure impeded the public from learning about the new restrictions and from having the opportunity to participate in the rule making as afforded by law.**

**The Department's new rules require New Mexicans to meet work, employment and training requirements in order to receive food assistance. About 1 in 5 New Mexicans currently receive food assistance, which is fully funded by the federal government and which brings \$636 million federal into our state every year. The changes to our food assistance program, illegally proposed and adopted by the Human Services Department, will impact 80,000 people and will result in families with children losing their food assistance because they will not be able to comply. New Mexico already has the hungriest children in the country, and the second highest rate of hunger overall.**

**Prior to issuing changes in such regulations, the Human Services Department must follow specific procedures designed to prevent the adoption of ill-conceived, harmful or poorly designed regulation. The Human Services Department did not follow these basic requirements of law. It failed to make major components of the new rules public and it committed gross errors in describing the changes that the new rules would engender.**

**The new rules referred to and relied on a state Employment and Training plan but the Department would not make the plan available to the public unless a formal public records request was filed. Additionally, in its public announcements, the Department**

**incorrectly described the new rules as affecting only New Mexicans who did not have children. In fact, the rules apply to families who have children over the age of 6. The Department also failed to inform the public that the new rules impose a time ban on individuals who do not meet the new work requirements that will cut off their food assistance after 3 months for 3 years.**

**There are other serious problems with the Human Services Department's information about these rule changes. Purportedly, the new rules are to go into effect on November 1, 2014, but in some places, the Department has written they went into effect on October 1, 2014. The rules contain contradictory statements about exactly how a New Mexican can fulfill the new requirements, making it impossible for people to comply. The rules also contain contradictory statements about exempting parts of the state from the rule and about which parts are exempt.**

**Plaintiffs claim that the Secretary violated the Administrative Procedures Act, the Human Services Department Act, and the due process clause of the New Mexico Constitution. Plaintiffs call on the First Judicial District Court to declare that the Department's new rules are invalid and void, and to issue an injunction to prevent the Department from implementing the work requirements. The plaintiffs are represented by attorneys at the New Mexico Center on Law and Poverty, and Daniel Yohalem, a civil rights attorney in Santa Fe.**

**Gail Evans, Legal Director at the Law Center, stated "New Mexico already has the hungriest children in the country so we cannot afford to let the Human Services Department issue restrictions to the food assistance program without at least abiding by basic due process principles which mandate that the public has the right to notice of the new regulations and the right to provide meaningful input on the new regulations before they take effect."**

**According to Sovereign Hager, a staff attorney at the Center on Law and Poverty, "Work requirements for food assistance are unnecessary, and not required by federal law. The Human Services Department has stated its intention to implement rules which are very difficult to follow and impossible to follow as written. This is unacceptable."**

**Javier Benavidez, Executive Director of the Southwest Organizing Project stated, "Our members demand that the Human Services Department at least make it clear what it intends to do so that we can comment on the new rules and inform struggling populations about what they're up against. This lawsuit includes a Temporary Restraining Order to keep Secretary Squire from doing any further harm to New Mexicans hit hard by the worst hunger and poverty in the country."**