

ADOPTION SECTION

HUMAN SERVICES

DIVISION OF FAMILY DEVELOPMENT

Notice of Readoption

New Jersey Supplemental Nutrition Assistance Program (NJ SNAP) Manual

Readoption: N.J.A.C. 10:87

Authority: N.J.S.A. 30:1-12.

Authorized by: Elizabeth Connolly, Acting Commissioner, Department of Human Services.

Effective Date: December 16, 2015.

New Expiration Date: December 16, 2022.

Take notice that, in accordance with N.J.S.A. 52:14B-5.1, N.J.A.C. 10:87 will expire on February 19, 2016. The Division of Family Development (DFD) has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were promulgated. It should be noted that the Division is working on regulations that have been drafted but have not been published in the New Jersey Register. These regulations deal with SNAP nondiscrimination policy and complaints; SNAP trafficking and claims; shelter and utility deductions; separate household status for disabled individuals; SNAP income exclusions; and methodology for determining standard utility allowances. DFD will readopt this chapter without amendment through this notice, in accordance with N.J.S.A. 52:14B-5.1.c(1). The new expiration date for readopted N.J.A.C. 10:87 is seven years from submission of notice to the Office of Administrative Law.

The purpose of N.J.A.C. 10:87 is to outline the policies and procedures applicable to the certification and/or recertification of those who apply for NJ SNAP. The policies and procedures contained in N.J.A.C. 10:87 shall be used to determine eligibility criteria and issuance requirements for NJ SNAP benefits for all qualified households regardless of their eligibility for other assistance programs.

The following is a description of the subchapters in N.J.A.C. 10:87:

N.J.A.C. 10:87-1 sets forth the purpose of the NJ SNAP and provides general rules regarding its administration. The subchapter further provides rules delineating discrimination on the basis of age, race, color, sex, disability, religious creed, national origin, or political belief and describes the complaint procedures for persons who feel they have been subjected to discrimination. The subchapter also provides rules prohibiting the release of confidential information about program applicants and recipients.

N.J.A.C. 10:87-2 provides procedural requirements for the processing of an application for NJ SNAP benefits. Rules regarding household composition, the filing of an application, the provision of expedited service, interview and verification requirements, and application processing standards are provided. In addition, the subchapter provides special procedures for recipients of Work First New Jersey, Supplemental Security Income (SSI), General Assistance households, and residents of drug and alcohol treatment centers, group living arrangements, and shelters for battered women.

N.J.A.C. 10:87-3 details the nonfinancial requirements for receipt of program benefits, such as residency, citizenship, alien status, and the provision of Social Security Numbers. The subchapter also provides special procedures for the eligibility determination for students of institutions of higher education. Additionally, the subchapter addresses the Income and Eligibility Verification System.

N.J.A.C. 10:87-4 defines resources for program purposes and specifies those that are counted and those that are excluded from consideration in the eligibility process. The rules also provide for the disqualification of individuals from the SNAP program for knowingly transferring resources for the purpose of qualifying for program benefits.

N.J.A.C. 10:87-5 defines income for program purposes, specifying that which is counted and that which is excluded. Income deductions are also defined, such as allowances for medical expenses for the elderly and disabled, expenses for dependent care, and shelter costs. Eligibility for the standard and heating utility allowances is also detailed.

N.J.A.C. 10:87-6 prescribes procedures for the certification of eligibility. The length of time of program certification and the treatment of resources, income, and income deductions within the certification period are also detailed.

N.J.A.C. 10:87-7 provides instructions pertinent to the treatment of special situations, such as self-employed households; income from disqualified or other non-household members; residents of substance abuse rehabilitation centers, group living arrangements, and battered women's

shelters; homeless NJ SNAP households and homeless meal providers; and the eligibility of sponsored aliens. Procedures are provided for handling an absent military person's income and any additional payment received by a member of the United States Armed Services deployed to a designated combat zone.

N.J.A.C. 10:87-8 details procedures for fair hearings, including information on how to apply for a fair hearing; actual procedures at a hearing; household rights; continuation of NJ SNAP benefits pending the outcome of the hearing; hearing decisions; and the county welfare agency (CWA) rights and responsibilities.

N.J.A.C. 10:87-9 contains other certification-related procedures, including recertification, notices to clients, changes in household circumstances, Families First Program cards, replacement benefits, credit adjustments to NJ SNAP benefit accounts, miscellaneous administrative procedures, and case record information, and specifies which cases are considered as simplified reporting cases and which cases are considered as change reporting cases. For clarification purposes, simplified reporting and change reporting are separate subsections, thereby, clarifying which cases are considered as simplified reporting cases and which cases are considered as change reporting cases and what has to be reported under each.

N.J.A.C. 10:87-10 details program requirements related to work registration and the NJ SNAP employment and training program requirements. Special procedures for applicant households containing striking members, as well as applicants and recipients who have voluntarily quit their

job or reduced their work effort or failed to comply with employment and training requirements, are also addressed.

N.J.A.C. 10:87-11 provides procedures to be followed when a household has received an incorrect issuance of NJ SNAP benefits. The subchapter explains the circumstances whereby a restoration of lost benefits is possible and how to compute that amount; defines intentional program violation (IPV), inadvertent household error, and agency error claims; prescribes the calculation to be applied for the amount of a claim and the process to collect the overissuance; and addresses the hearing process and disqualifications to be applied upon recipients determined to have committed an IPV. Any refund of the NJ SNAP household's Gross Income Taxes or Homestead Saver/Rebate may be intercepted. The intercepted amount shall be applied toward satisfaction of any debt owed to the State.

N.J.A.C. 10:87-12 provides the formula, tables, and allowable deductions necessary to determine financial eligibility for NJ SNAP benefits and the level of benefits.

N.J.A.C. 10:87 Appendix A deals with terms and their definitions applicable to fiscal operations, retention rules for fiscal records, and a list of computer generated documents provided for CWA management of fiscal operations of the NJ SNAP program.