

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES
NOTICE OF RULE WAIVER/MODIFICATION/SUSPENSION
PURSUANT TO EXECUTIVE ORDER NO. 103 (MURPHY)(MARCH 9, 2020)
COVID-19 STATE OF EMERGENCY

Temporary Rule waiver adopted by Commissioner Carole Johnson, Department of Human Services

Date: April 6, 2020

Authority: N.J.S.A. App.A:9-45 & App. A:9-47; Executive Order No. 103 (Murphy)(“EO 103”)

Effective Date: April 6, 2020

Expiration Date: Concurrent with end of EO 103


This is an emergency adoption of a temporary rule waiver of the NJ Supplemental Nutrition Assistance Program (SNAP) rule at N.J.A.C. 10:87-2.18. Section 6 of EO 103, issued in response to the COVID-19 pandemic, authorizes agency heads to waive/suspend/modify any existing rule, where the enforcement of the rule would be detrimental to the public welfare during the emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary. Pursuant to that authority, and with the approval of the Governor and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health, the Department of Human Services is waiving its rules as follows:

N.J.A.C. 10:87-2.18(a) requires that all SNAP applicants be interviewed by face-to-face interview, by phone or through a home visit prior to an initial certification of SNAP eligibility and all recertifications. The Department waives this requirement for applications received and recertifications due in March, April or May 2020. This waiver is necessary in light of the COVID-19 emergency to minimize the administrative burden placed on County Welfare Agencies that are short-staffed and unable to conduct timely interviews and to ensure that clients’ applications will not be denied due to untimely interviews.

N.J.A.C. 10:87-2.18(a) also requires that a face-to-face interview be provided to any household that requests one. The Department waives this requirement for applications received in March, April or May 2020. County Welfare Agencies should instead accommodate such requests with phone interviews. This waiver is necessary in light of the COVID-19 emergency to minimize the administrative burden placed on County Welfare Agencies that are short-staffed and minimize in-person contact.

I find that waiver of the rule above is necessary because enforcement of the existing rules would be detrimental to the public welfare during this emergency.

July 5 2020
Date


Carole Johnson,
Commissioner, Department of Human Services