

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES
NOTICE OF RULE WAIVER 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 2, 2020

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

Effective Date: April 2, 2020

Expiration Date: Concurrent with end of EO 103

This is an emergency adoption of a temporary rule waiving certain NJ Supplemental Nutrition Assistance Program (SNAP) rules at N.J.A.C. 10:87 et seq. Section 6 of EO 103, issued in response to the COVID-19 pandemic, authorizes agency heads to waive 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. 10:87-6.20 requires that the certification period for SNAP eligibility cannot exceed 12 months, except for households in which all adult members are elderly or disabled where the certification period cannot exceed 24 months. The Department modifies this regulation so that certification periods which would have expired in March, April or May of 2020 are extended for six months. 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; to eliminate the requirement for timely processing of recertifications; and to ensure that clients’ benefits will not be terminated for failing to recertify.

N.J.A.C. 10:87-9.5 requires the household to report if there is a change of gross unearned income of more than \$50.00; a change in gross earned income of \$100.00 or more; or a change in residence and the resulting change in shelter cost on the six-month/12-month interim report. The Department is temporarily waiving this regulation to extend the interim reporting period beyond the six-month/12-months period. 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; to

eliminate the requirement for timely processing of interim reports; and to ensure that clients' benefits will not be terminated for failing to report.

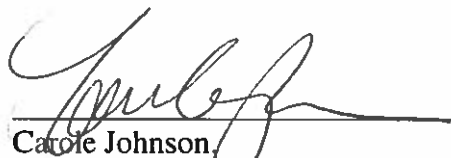
N.J.A.C. 10:87-10.1(e) requires work registration forms to be forwarded to the One-Stop Centers not later than five days after the date of certification. The Department waives this regulation and temporarily suspends the referrals of work activities to One-Stop Centers. This waiver is necessary in light of the COVID-19 emergency to minimize the spread of the virus by limiting the traffic in the One-Stop Centers. Additionally, to-work vendors have been impacted by closures and are no longer operational.

N.J.A.C. 10:87-10.15 and -10.16 require the county to initiate the disqualification process for individuals who fail to comply with employment and training activities. The Department waives these regulations and temporarily suspends the disqualification process for individuals who refuse or fail to comply with SNAP Employment and Training Activities. 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; to eliminate the requirement for timely initiation of disqualification procedures; and to ensure that clients' benefits will not be terminated due to their inability to comply with work activities during this state of emergency.

N.J.A.C. 10:87-10.20 mandates that individuals under the ABAWD provision cannot continue to receive NJ SNAP benefits if, for more than three full calendar months within a fixed 36-month period, they did not comply with the mandatory work requirements for ABAWDS. The Department temporarily suspends this requirement. This waiver is necessary in light of the COVID-19 emergency to ensure that individuals under the ABAWD provision do not lose their benefits due to their inability to comply with work activities during this state of emergency.

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

April 2, 2020
Date



Carole Johnson,
Commissioner, Department of Human Services