N.J.A.C. 10:87

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 57 No. 19, October 6, 2025

NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 87. NEW JERSEY SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (NJ SNAP) MANUAL

Title 10, Chapter 87 -- Chapter Notes

Statutory Authority

CHAPTER AUTHORITY:

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

History

CHAPTER SOURCE AND EFFECTIVE DATE:

Effective: November 16, 2022.

See: *54 N.J.R. 2392(b)*.

CHAPTER HISTORICAL NOTE:

Chapter 87, Food Stamp Manual, was adopted as R.1969 d.22, effective December 3, 1969. See: 1 N.J.R. 14(a), 1 N.J.R. 30(b).

Chapter 87, Food Stamp Manual, was readopted as R.1972 d.177, effective September 8, 1972. See: 4 N.J.R. 187(a), 4 N.J.R. 239(a).

Chapter 87, Food Stamp Manual, was readopted as R.1975 d.350, effective January 1, 1976. See: 7 N.J.R. 363(b), 7 N.J.R. 567(d).

Chapter 87, Food Stamp Manual, was readopted as R.1979 d.29, effective March 1, 1979. See: 10 N.J.R. 537(b), 11 N.J.R. 76(a).

Pursuant to Executive Order No. 66(1978), Chapter 87, Food Stamp Manual, was readopted as R.1984 d.68, effective March 1, 1984. See: 15 N.J.R. 2134(b), 16 N.J.R. 550(a).

Pursuant to Executive Order No. 66(1978), Chapter 87, Food Stamp Manual, was readopted as R.1989 d.121, effective January 27, 1989. See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Public Notice: Change in standards for food stamp income eligibility. See: 23 N.J.R. 3030(a).

Pursuant to Executive Order No. 66(1978), Chapter 87, Food Stamp Manual, was readopted as R.1994 d.42, effective December 21, 1993. See: 25 N.J.R. 4697(b), 26 N.J.R. 377(a).

Public Notice: Change in standards for food stamp income eligibility, deduction, and coupon allotment standards. See: *29 N.J.R. 4346(a)*.

Subchapter 13, New Jersey State Food Stamp Program, was adopted as Emergency New Rules by R.1997 d.402, effective August 29, 1997, operative September 1, 1997, to expire October 28, 1997. See: *29 N.J.R. 4191(a)*. The provisions of R.1997 d.402 were readopted as R.1997 d.505, effective October 28, 1997. See: *29 N.J.R. 4191(a)*, *29 N.J.R. 5063(b)*.

Pursuant to Executive Order No. 66(1978), Chapter 87, Food Stamp Manual, was readopted as R.1999 d.6, effective December 8, 1998. See: *30 N.J.R. 3451(a)*, *31 N.J.R. 69(a)*.

Chapter 87, Food Stamp Manual, was readopted as R.2004 d.181, effective April 5, 2004. See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Chapter 87, Food Stamp Manual, was readopted as R.2009 d.94, effective February 19, 2009. As a part of R.2009 d.94, Subchapter 9, Certification Related Procedures, was renamed Certification-Related Procedures, effective March 16, 2009. See: *40 N.J.R. 5932(a)*, *41 N.J.R. 1245(b)*.

Subchapter 4, Financial Eligibility; Resources, was repealed and Subchapter 4, Resource Applicability, was adopted as new rules by R.2010 d.027, effective January 19, 2010. See: *41 N.J.R. 3190(a)*, *42 N.J.R. 482(b)*.

Subchapter 4, Resource Applicability, was repealed, and Subchapter 4, Financial Eligibility; Resources, was adopted as new rules by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012). See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

Chapter 87, Food Stamp Manual, was renamed New Jersey Supplemental Nutrition Assistance Program (NJ SNAP) Manual by administrative change. See: *44 N.J.R. 1529(a)*.

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 87, New Jersey Supplemental Nutrition Assistance Program (NJ SNAP) Manual, was scheduled to expire on February 19, 2016. See: *43 N.J.R. 1203(a)*.

Chapter 87, New Jersey Supplemental Nutrition Assistance Program (NJ SNAP) Manual, was readopted, effective December 16, 2015. See: *48 N.J.R. 137(b)*.

Chapter 87, New Jersey Supplemental Nutrition Assistance Program (NJ SNAP) Manual, was readopted, effective November 16, 2022. See: Source and Effective Date.

Subchapter 13, State SNAP Minimum Benefit Program, was adopted as new rules by R.2023 d.140, effective December 18, 2023. See: *55 N.J.R. 1614(a)*, *55 N.J.R. 2550(a)*.

Chapter 87, New Jersey Supplemental Nutrition Assistance Program (NJ Snap) Manual, was updated by administrative change, effective June 11, 2024, to change all references to county

welfare agencies (CWA) and county welfare boards to county social service agencies (CSSA) and county social services boards, respectively. See: *56 N.J.R. 1244(a)*.

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N.J.A.C. 10:87-1.1

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§ 10:87-1.1 Purpose of NJ SNAP

The NJ SNAP is designed to promote the general welfare and to safeguard the health and well being of the population by raising the levels of nutrition among low-income households.

History

HISTORY:

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

Section was "Purpose of Food Stamp Program". Substituted "NJ SNAP" for "Food Stamp Program".

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N.J.A.C. 10:87-1.1A

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§ 10:87-1.1A Abbreviations/acronyms defined

As used in this chapter, the following abbreviations and/or acronyms shall have the following meanings, unless otherwise individually specified.

"ABAWDS" means able-bodied adults without dependents.

"CSSA" means county social service agency.

"DCS" means disregarded child support.

"DFD" means the New Jersey Division of Family Development, in the Department of Human Services.

"EBT" means electronic benefits transfer.

"FAMIS" means the Family Assistance Management Information System.

"FNS" means the USDA, Food and Nutrition Service.

"GA" means the New Jersey General Assistance program.

"HCSUA" means the Heating and Cooling Standard Utility Allowance.

"HUD" means the United States Department of Housing and Urban Development.

"IEVS" means the Income Eligibility Verification System.

"IPV" means intentional Program violation.

"LWD" means the New Jersey Department of Labor and Workforce Development.

"NJ SNAP" or "Program" means the New Jersey Supplemental Nutrition Assistance Program.

"NJ SNAP ETP" means the NJ SNAP Employment and Training Program.

"NPA" means non-public assistance.

"PA" means public assistance.

"SACWIS" means the Statewide Automated Child Welfare Information System.

"SSI" means Supplemental Security Income.

"TANF" means the New Jersey Temporary Assistance for Needy Families.

"USCIS" means the United States Citizenship and Immigration Services.

"USDA" means the United States Department of Agriculture.

"WFNJ" means the New Jersey Work First New Jersey Program.

History

HISTORY:

New Rule, R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

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§ 10:87-1.2 Administration of the Program

(a) The Program is authorized by the U.S. Congress and regulated by the USDA. In New Jersey, the CSSAs are responsible for certifying eligible households and arranging for benefit issuance outlets. Only persons employed by a CSSA are legally empowered to enroll applicants in the Program.

(b) Although the counties directly administer the Program, the State is ultimately responsible for ensuring that program operations conform with Federal laws and USDA regulations.

(c) The county administration of the NJ SNAP is supported by a centralized computer management information system to comply with the requirement for keeping uniform system of records and accounts throughout the State. CSSAs have access to the management information system that performs routine clerical tasks, determines eligibility status, calculates the NJ SNAP allotment, generates NJ SNAP benefits, and management and fiscal reports. This automated system expedites implementation of policy changes, eliminates duplication of effort, and allows for efficient updating of information.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (c), substituted a reference to food stamps for a reference to coupons, and substituted a reference to benefits for a reference to Authorizations to Participate in the second sentence.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (a), substituted "benefit" for "coupon" preceding "issuance outlets".

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

In (a), substituted "USDA" for "U.S. Department of Agriculture (USDA)", "CWAs" for "county welfare agencies (CWAs)" and "Program" for "program"; and in (c), substituted "NJ SNAP" for "Food Stamp Program".

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-1.3

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§ 10:87-1.3 Legal basis of the Program

Policies and procedures for the administration of the Program are derived from the Food and Nutrition Act of 2008 (*7 U.S.C. §§ 2011* et seq.) and current FNS, regulations and instructions (which are uniform nationwide).

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

Rewrote the section.

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N.J.A.C. 10:87-1.4

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§ 10:87-1.4 Program informational activities

(a) The Division of Family Development (DFD) will supply CSSAs with posters and pamphlets concerning nutritional information, and, where available, explanations of Special Supplemental Food Program for Women, Infants and Children (WIC) and the Commodity Supplemental Food Program (CSFP) explanations. CSSAs shall directly display the posters and make the pamphlets available at all NJ SNAP and public assistance offices.

(b) CSSAs shall inform participant and applicant households of their program rights and responsibilities. The information may be provided through whatever means DFD deems appropriate.

(c) The CSSAs shall provide both certification materials in the appropriate language(s) and bilingual staff or interpreters, as required by FNS bilingual guidelines (see *7 CFR 272.4(b)*).

1. Certification materials shall include the NJ SNAP application form, change report form and notices to households.

2. The CSSAs shall ensure that certification offices provide sufficient bilingual staff or interpreters for the timely processing of non-English-speaking applicants.

History

HISTORY:

As amended on an emergency basis, R.1981 d.398, eff. September 30, 1981 (oper. October 1, 1981), exp. November 30, 1981.

See: 13 N.J.R. 769(a).

Readopted, R.1981 d.517, eff. December 31, 1981.

See: 13 N.J.R. 769(a), 14 N.J.R. 103(a), 14 N.J.R. 208(b).

Old text concerning "outreach efforts" deleted are replaced with new text concerning "program informational activities".

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Old text repealed and new text added.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Substituted references to the Division of Family Development (DFD) for references to the Division of Public Welfare (DPW) throughout; rewrote (c).

Amended by R.2009 d.94, effective March 16, 2009.

See: *40 N.J.R. 5932(a)*, *41 N.J.R. 1245(b)*.

Rewrote (c).

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-1.5

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§ 10:87-1.5 Purpose of the NJ SNAP Manual

The purpose of this manual is to outline the policies and procedures applicable to the certification and/or recertification of those who apply for NJ SNAP benefits. The policies and procedures contained in this manual 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.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-1.6

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§ 10:87-1.6 The concept of reasonable certainty; situations not covered by the manual

(a) While this manual attempts to minimize discretionary action on the part of the certification worker, there will be situations which are not specifically covered by existing policy guidelines. In those cases the certification worker shall be expected to make a judgment, based on his or her experience and/or knowledge of the Program, which can be defended as both reasonable and prudent.

(b) In cases where the treatment of a situation is neither specifically nor generally addressed in this manual, the matter shall be referred to DFD for resolution.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 New Jersey Register 2689(a), 21 New Jersey Register 511(b).

Substantially amended.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

In (b) substituted "DFD" for "DPW".

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N.J.A.C. 10:87-1.7

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§ 10:87-1.7 Assignment of manual

Copies of this manual shall be assigned to administrative and other staff working with applicants and recipients. Each staff member is expected to be thoroughly familiar with its contents so that policy and procedures may be consistently applied.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 New Jersey Register 2689(a), 21 New Jersey Register 511(b).

Deleted "staff", "to" and "in order".

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N.J.A.C. 10:87-1.8

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§ 10:87-1.8 Responsibility of manual holders

Each holder of the manual shall be responsible for maintaining a current and up-to-date manual. DFD shall issue revisions and changes as necessary; the manual holder shall insert new material and remove obsolete pages promptly.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 New Jersey Register 2689(a), 21 New Jersey Register 511(b).

Deleted "the Division of Public Welfare".

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Substituted "DFD" for "DPW".

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N.J.A.C. 10:87-1.9

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§ 10:87-1.9 Retention of obsolete material

The CSSA shall retain one copy of obsolete manual material for administrative purposes.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Deleted "the County Welfare agency".

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N.J.A.C. 10:87-1.10

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§ 10:87-1.10 Public access to the manual

(a) This manual is a public document and shall be made accessible in accordance with (b) through (h) below.

(b) Specific policy material necessary for an applicant, recipient, and/or his or her representative to determine whether or not a hearing should be requested, or to prepare for a hearing, shall be provided to such persons without charge.

(c) All public and private libraries which have agreed to maintain the manual on a current up-to-date basis shall make a copy available to the public, subject to their own regulations.

(d) Each county legal services office shall be furnished with a copy of this manual.

(e) Welfare, social service and other nonprofit organizations shall be furnished with a free copy of the manual upon receipt by DFD of an official, written request.

(f) A current up-to-date copy of the manual, or any part of it, shall be available from DFD, at the cost of printing and mailing, to anyone who requests it in writing.

(g) A current up-to-date copy of the manual will be maintained in each CSSA for examination by members of the public during regular working hours.

(h) All supplementary State policy directives shall be sent to those who have been supplied with the manual. A mailing list shall be maintained by DFD for that purpose.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Deleted the introductory phrases throughout.

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N.J.A.C. 10:87-1.11

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§ 10:87-1.11 Policy of nondiscrimination

CSSAs shall not discriminate against any applicant or participant in any aspect of program administration, including, but not limited to, the certification of households, the issuance of benefits, the conduct of fair hearings, or any other program service, for reasons of age, race, color, sex, disability, religious creed, national origin, or political belief, and as otherwise prohibited by State and Federal law.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Amended by R.1994 d.42, effective January 18, 1994.

See: 25 N.J.R. 4697(b), 26 N.J.R. 377(a).

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Substituted "benefits" for "coupons" preceding "the conduct of fair hearings".

Amended by R.2017 d.022, effective February 6, 2017.

See: *48 N.J.R. 695(a)*, *49 N.J.R. 267(a)*.

Inserted a comma following "hearings" and following "origin", and insertd ", and as otherwise prohibited by State and Federal law".

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N.J.A.C. 10:87-1.12

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§ 10:87-1.12 Complaint procedures

(a) Persons who believe that they have been subject to discrimination as described in *N.J.A.C. 10:87-1.11* may complain directly to USDA and/or to DFD. The CSSA shall explain the complaint procedures and advise the individual(s) of their right to file a complaint.

(b) A complaint must be filed no later than 180 days from the date of alleged discrimination, unless the period is extended by USDA.

(c) The CSSA shall accept all complaints of discrimination and forward them promptly to the Director of DFD who will in turn forward them to USDA.

(d) If a person alleges verbally that a discriminatory act has been committed and does not (or cannot) put it in writing, the CSSA worker receiving the complaint shall do so. If possible, the following information shall be obtained from the complainant:

1. Name, address and telephone number or other means of contacting the persons alleging discrimination;

2. Location and name of the organization or office and/or person(s) accused of discriminatory practices;

3. The nature of the incident, action, or aspect of the program administration that led to the alleged discrimination;

4. The reasons for the alleged discrimination (that is, age, race, color, sex, disability, religious creed, national origin or political belief);

5. Names, titles (if appropriate), and addresses of persons (other than the complainant who may have knowledge of the discriminatory act(s); and

6. The date or dates on which the alleged discriminatory actions occurred.

(e) Written complaints shall be forwarded to the Director of DFD if the information in (d) above is not complete. Persons who file complaints shall be encouraged to provide this information to facilitate the investigation of the alleged discrimination and shall be advised that investigations by USDA will be conducted only if information specified in (d)2, 3 and 4 above is provided.

(f) To file a complaint of discrimination directly to USDA, complete the USDA Program Discrimination Complaint Form, found online at https://www.ascr.usda.gov/sites/default/files/Complain_combined_6_8_12_508_0.pdf, or at any USDA office, or call (866) 632-9992 to request the form, or write a letter containing all the information requested in the form. Send completed complaint forms or letters to: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or e-mail at program.intake@usda.gov. Individuals who are deaf, hard of hearing, or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Amended by R.1994 d.42, effective January 18, 1994.

See: 25 N.J.R. 4697(b), 26 N.J.R. 377(a).

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Deleted the introductory phrases throughout.

Amended by R.2009 d.94, effective March 16, 2009.

See: *40 N.J.R. 5932(a)*, *41 N.J.R. 1245(b)*.

Added (f).

Amended by R.2017 d.022, effective February 6, 2017.

See: *48 N.J.R. 695(a)*, *49 N.J.R. 267(a)*.

Rewrote (f).

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N.J.A.C. 10:87-1.13

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§ 10:87-1.13 Public Notification Plan

(a) The CSSA shall publicize the procedure described in *N.J.A.C. 10:87-1.12*.

(b) At least once every fiscal year, the CSSA shall advise local minority group organizations, in writing, that the NJ SNAP program is available to all eligible households on a nondiscriminatory basis and of the complaint procedures. If there are no minority group organizations in the county, the CSSA shall contact minority ministers, teachers, and/or other community leaders in the county, informing them of this nondiscrimination policy.

(c) The CSSA shall maintain file copies of correspondence concerning public notification of nondiscrimination. These documents shall be available for inspection during audits and compliance reviews conducted by State and Federal offices.

(d) The CSSA shall display a nondiscrimination poster (supplied by FNS and/or DFD) in all local NJ SNAP certification offices.

(e) The CSSA shall ensure that participants (and other low-income households) have access to information regarding their rights, nondiscrimination statutes and policies and complaint procedures, no later than 10 days from the date the information is requested.

(f) The CSSA shall advise applicants for program participation that his or her application shall be processed without discrimination in accordance with *N.J.A.C. 10:87-1.11*.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Deleted the introductory phrases throughout.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

In (d), substituted "DFD" for "DEA" and "NJ SNAP" for "food stamp".

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-1.14

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 57 No. 19, October 6, 2025

§ 10:87-1.14 Confidentiality and disclosure of information

(a) The CSSA shall restrict the use or disclosure of information obtained from applicant or recipient households to persons directly connected with the administration or enforcement of the NJ SNAP program, WFNJ/TANF, jointly-processed WFNJ/GA households, SSI, Medicaid, Child Support and Paternity program (CSP), IEVS, Federally funded child welfare programs, including SACWIS or with any other Federal or Federally aided, means-tested assistance programs.

1. The verification of immigration documents of aliens applying for NJ SNAP benefits will be accomplished through the Systematic Alien Verification for Entitlements (SAVE) program and is subject to the same confidentiality safeguards afforded other programs.

2. The New Jersey Department of Labor may access information regarding NJ SNAP recipients for the purpose of administering the NJ SNAP ETP.

3. Agencies administering an NJ SNAP Nutrition Education Plan approved by USDA may access information regarding NJ SNAP recipients for the purpose of administering the Nutrition Education Plan.

(b) The CSSA may release information concerning an applicant or recipient household in the following situations only:

1. Upon written request, the CSSA shall cooperate in furnishing information to Federal, State or local law enforcement agencies in any investigation that concerns a household or person fraudulently obtaining benefits or otherwise violating the statutory provisions of the Food and Nutrition Act of 2008 (*7 U.S.C. §§ 2011* et seq.) and/or FNS and/or State rules. The law enforcement agency must provide a written request, which shall include the identity of the individual requesting the information and his or her authority to do so, the violation being investigated and the identity of the person about whom the information is requested.

i. CSSAs shall make available, upon request, to any Federal, State or local law enforcement officer the address, photograph (if available) and Social Security number of an NJ SNAP recipient. The officer must furnish the recipient's name, and must notify the CSSA that the recipient is fleeing to avoid prosecution, custody or confinement for a felony, is violating a condition of parole or probation or the

CSSA has information necessary for the officer to conduct an official duty related to a felony or parole violation.

2. Staff members shall provide such testimony as may be mandated by a court of competent jurisdiction in connection with administration and enforcement of the NJ SNAP program (see (a) above).

3. Upon written request by the household, the household may waive its rights to confidentiality of information and the CSSA shall make disclosure of information but only to the extent specifically authorized by the waiver.

4. If there is a written request by a responsible member of the household, its current authorized representative, or a person acting in its behalf to review materials in its case file, the material and information contained in the case file shall be made available during normal business hours.

i. The CSSA may withhold confidential information, such as the names of individuals who have disclosed information about the household without the household's knowledge, or the nature or status of pending criminal prosecutions.

5. Information and records shall be released to parties directly involved in a fair hearing procedure (see *N.J.A.C. 10:87-8.6(a)* and *8.14(a)*).

6. The furnishing of any lists of names and/or addresses or both for purposes not directly related to the provisions of (a) above is specifically prohibited.

7. The disclosure of information in connection with the performance of a quality control review or State audit shall be permitted.

8. The CSSA shall make available, to the CSP's Parent Locator Service, NJ SNAP case file information to assist the CSP program, under Title IV-D of the Social Security Act.

9. Households that provide an NJ SNAP or WFNJ/TANF case number on the school meal application are categorically eligible for free school meals. The CSSA shall honor requests from school officials to verify NJ SNAP program participation for households applying for free school meals. The CSSA shall not release any information with regard to the household beyond the verification of NJ SNAP program participation. Section 169 of the Food Stamp Application Privacy Act (P.L. 97-253) allows such information to be provided to officials verifying eligibility for free school meals.

10. The CSSA shall furnish information to employees of the Comptroller General's Office of the United States for audit examination authorized by any other provision of law.

(c) Recipients of information released under this section must adequately protect the information against unauthorized disclosure to persons or for purposes not specified in this section. In addition, information received through the IEVS must be protected from unauthorized disclosure as required by regulations established by the information provider. Information released to the State agency pursuant to section 6103(*l*) of the Internal Revenue Code of 1954 shall be subject to the safeguards established by the

Secretary of the Treasury in section 6103(*l*) of the Internal Revenue Code and implemented by the Internal Revenue Service in its publication, Tax Information and Security Guidelines.

(d) Participants in the New Jersey Address Confidentiality Program (ACP) established by P.L. 1997, c. 369 to safeguard the identity and residence of victims of domestic violence shall be treated in the disposition of their NJ SNAP case records as follows:

1. Only residents of New Jersey are eligible to participate in the ACP. A photocopy of the individual's signed ACP participation card shall be retained in the individual's case record, and shall serve as documentation of the ACP participant's identity and residence.

2. CSSAs shall not include in the case record any information which identifies the ACP participant's residence, including mortgage/rent, utility, and tax or insurance bills or receipts. The Department of Community Affairs (DCA) will act as a liaison on behalf of the individual, and will provide the CSSA with written information that documents the requested expenses that the ACP participant is incurring.

3. The address utilized for the ACP participant to receive mail is essentially a "mail drop." Therefore, when sending a notice to an ACP participant, the CSSA shall allow an additional five days for the recipient to take action. However, this does not apply to a Families First EBT aging notice, which shall remain at 10 days.

4. In the event that Federal, State, or local agency staff must speak directly with the ACP participant, the Request for Contact procedures at *N.J.A.C. 10:87-9.5* shall be followed.

History

HISTORY:

Amended by R.1985 d.179, effective April 15, 1985.

See: 17 N.J.R. 166(a), 17 N.J.R. 968(b).

(b)8 added.

Amended by R.1985 d.475, effective September 16, 1985.

See: 17 N.J.R. 1377(b), 17 N.J.R. 2273(a).

Substantially amended.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1990 d.565, effective November 19, 1990.

See: 22 N.J.R. 2219(a), 22 N.J.R. 3486(a).

Specified that county welfare agencies are to release information to school districts for verification of eligibility for free school meal programs.

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

Rewrote (a); and in (b)1, added I.

Amended by R.1999 d.6, effective January 4, 1999.

See: *30 N.J.R. 3451(a)*, *31 N.J.R. 69(a)*.

In (a) and (b)9, substituted references to WFNJ/TANF for references to AFDC; and in (a), inserted a reference to Federally-funded child welfare programs, including the Statewide Automated Child Welfare Information System (SACWIS).

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Deleted the introductory phrases throughout; in (b), substituted "benefits" for "coupons" in 1 and amended the N.J.A.C. reference in 5; added (c) and (d).

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

Rewrote (a) and (b)1; in (b)2 and (b)9, substituted "NJ SNAP program" for "Food Stamp Program" throughout; in (b)8, substituted "NJ SNAP" for "food stamp"; in (b)9, substituted "an NJ SNAP" for "a food stamp"; and in the introductory paragraph of (d), substituted "c. 369" for "c.369" and "NJ SNAP" for "Food Stamp".

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N.J.A.C. 10:87-1.15

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§ 10:87-1.15 Public access to information

(a) Copies of the manual, supplementary directives issued for use in certifying applicant households and NJ SNAP fair hearing reports shall be readily available for public inspection in all CSSA central NJ SNAP offices.

(b) In addition, Federal Supplemental Nutrition Assistance Program statutes, FNS regulations, instructions, the State Plan of Operation and a copy of this manual shall be readily available for public inspection during regular office hours in the central DFD office, as well as the FNS Regional Office.

(c) DFD, at its option, may require other CSSA offices within the State to maintain a copy of Federal statutes and FNS regulations.

History

HISTORY:

As amended on an emergency basis, R.1981 d.398, eff. September 30, 1981 (oper. October 1, 1981) exp. November 30, 1981.

See: 13 N.J.R. 769(a).

Readopted, R.1981 d.517, eff. December 31, 1981.

See: 13 N.J.R. 769(a), 14 N.J.R. 103(a).

(a): Deleted "the State Outreach Plan . . . coordinates".

(b): Deleted "and" after "regulations" and inserted same after "instructions"; deleted "and the State Outreach reports".

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

In (a), deleted a comma following "households" and substituted "NJ SNAP" for "food stamp" twice; in (b), substituted "Supplemental Nutrition Assistance Program" for "food stamp" and "DFD" for "DEA", deleted a comma following "Operation", and inserted a comma following the second occurrence of "office"; and in (c), substituted "DFD" for "DEA".

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N.J.A.C. 10:87-1.16

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 87. NEW JERSEY SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (NJ SNAP) MANUAL > SUBCHAPTER 1. GENERAL PROVISIONS

§ 10:87-1.16 Appeals

An applicant or recipient shall have the right to appeal any action or inaction concerning the Program on the part of the CSSA that affects his or her household (see N.J.A.C. 10:87-8 concerning fair hearings).

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

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N.J.A.C. 10:87-1.17

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§ 10:87-1.17 Suits against county

(a) The CSSA shall notify the DFD immediately of any suit(s) filed by any person/organization against the CSSA and/or DFD that involve(s) administration of the NJ SNAP program and shall furnish DFD with copies of the original pleadings and all subsequently filed pleadings.

(b) If the CSSA fails to comply with the provisions of (a) above and is ordered by a court to take actions that are determined by the USDA to be inconsistent with the Food and Nutrition Act of 2008 (*7 U.S.C. §§ 2011* et seq.) and its FNS regulations or instructions, the CSSA may be liable for the amount of benefits issued pursuant to the court order.

History

HISTORY:

As amended on an emergency basis, R.1981 d.398, effective September 30, 1981 (Operative October 1, 1981), expires November 30, 1981.

See: 13 N.J.R. 769(a).

Readopted R.1981 d.517, effective December 31, 1981.

See: 13 N.J.R. 769(a), 14 N.J.R. 103(a).

Deleted text of *N.J.A.C. 10:87-1.17* concerning "outreach" and recodified *N.J.A.C. 10:87-1.18* as 1.17 without change in text.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (b), substituted a reference to benefits for a reference to coupons.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (b), deleted the introductory phrase.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

In (a), substituted the first and third occurrence of "DFD" for the first and third occurrence of "DEA", "DFD that" for "DEA which" and "NJ SNAP program" for "Food Stamp Program"; and in (b), substituted "that" for "which", "and Nutrition" for "Stamp" and "2008 (*7 U.S.C. §§ 2011* et seq.)" for "1977", and inserted "the" preceding "USDA".

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N.J.A.C. 10:87-1.18

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§ 10:87-1.18 (Reserved)

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N.J.A.C. 10:87-2.1

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 87. NEW JERSEY SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (NJ SNAP) MANUAL > SUBCHAPTER 2. THE APPLICATION PROCESS

§ 10:87-2.1 The household concept

Every NJ SNAP application shall be made on behalf of a household. It is critically important to determine exactly who constitutes the household for NJ SNAP purposes since all considerations of eligibility will follow from this initial determination.

History

HISTORY:

Administrative change.

See: *44 N.J.R. 1529(a)*.

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§ 10:87-2.2 Household defined

(a) A household may be composed of any of the following individuals or groups of individuals:

1. Individual living alone;

2. An individual living with others, but who customarily purchases food and prepares meals for home consumption separate and apart from others.

i. Any person who has a disability that prevents him or her from purchasing or preparing his or her own food, but who has arranged to have his or her food purchased and prepared separate and apart from others in the household, may claim separate household status. Separate household status may be granted even if the person who shops for food or prepares meals for the disabled person is residing with the disabled person;

3. A group of individuals living together for whom food is purchased in common and for whom meals are prepared together for home consumption;

4. An individual who is 60 years of age or older (and the spouse of such individual) living with others who is unable to purchase and prepare meals because he or she suffers from a disability considered permanent under the Social Security Act or suffers from some other physical or mental nondisease-related, severe, permanent disability may be a separate household (see definition of elderly or disabled at *N.J.A.C. 10:87-2.34* and verification requirements at *N.J.A.C. 10:87-2.19(i)*). However, the gross monthly income of the household with which the individual resides cannot exceed the gross monthly income eligibility standard for the appropriate household size at *N.J.A.C. 10:87-12.7*. This income determination shall be made in accordance with the following procedures:

i. The gross monthly income of the others with whom the elderly, disabled person resides shall be determined as if they were applying for participation in the program. The income of the elderly, disabled person and his or her spouse is not included in the calculation. The elderly, disabled person and his or her spouse are not to be considered household members for this purpose;

ii. The gross monthly income of the others shall then be compared to the monthly income eligibility standard for the appropriate household size in *N.J.A.C. 10:87-*

12.7 to determine if the income is within the prescribed limit. The elderly, disabled person and his or her spouse would not be considered as household members for this comparison.

5. An applicant household that has customarily purchased and prepared food separately in the past but, because of changes in financial or other circumstances, is now temporarily buying and preparing food with others, shall be considered a separate household, providing it intends to return to its former status upon receipt of NJ SNAP benefits. The applicant household's statements on past and intended practices shall suffice, except when the information provided is questionable according to the criteria at *N.J.A.C. 10:87-2.19(i)*. If the applicant household does not return to its former status, the actual household composition will prevail and will be considered a client-reportable change in accordance with *N.J.A.C. 10:87-9.5(a)* and (b). The 10-day period for reporting that the applicant household has not returned to its former status will commence upon receipt of NJ SNAP benefits.

(b) Individuals or groups of individuals who are residents of an institution (except as otherwise specified in *N.J.A.C. 10:87-2.4*) or commercial boarding home, or boarders (except as specified in *N.J.A.C. 10:87-2.3(b)*) may not participate in the program.

(c) In no event shall nonhousehold member status or separate household status be granted to:

1. Parents and their biological, adopted or stepchildren (excluding foster children) under the age of 22 who reside together, regardless of the marital status or having a child of their own. The biological parent-child relationship takes precedence unless there has been a termination of parental rights. Legal custody does not in and of itself terminate parental rights, in which case the legal relationship between the biological parent and the child would still exist even though another person(s) has been awarded legal custody of the child. The following are two examples of such household compositions:

i. Example 1: The grandparents who have legal custody of a grandchild, their own adult child, who also is the biological parent of the grandchild, all reside together. The parent and child would have to be considered one household for NJ SNAP program benefits because parental rights have not been terminated. Likewise, the grandparents would also have to be included in the same NJ SNAP household because the grandchild is financially dependent on them since they have legal custody of that grandchild (see (c)2 below).

ii. Example 2: There are two siblings, with the mother having legally terminated her parental rights of one of the siblings. The grandparents have legal custody of that child. This can be a two-person household if the mother applies for NJ SNAP benefits for herself and the one child for whom she has not given up her parental rights. If the grandparents apply for NJ SNAP benefits, they would be a separate NJ SNAP household with the grandchild of whom they have legal custody (see (c)2 below);

2. A child (other than a foster child) under 18 years of age who lives with and is under parental control of a household member other than his or her parent. A child shall be

considered to be under parental control for purposes of this provision if he or she is financially or otherwise dependent on a member of the household.

i. An individual between the ages of 18 and 22 is considered an adult and can be a separate household from those with whom he or she lives if he or she purchases and prepares food separately. In the case of an 18 through 22 year old living with a grandparent, he or she can be a separate household unless the grandparent has legally adopted the 18 through 22 year old or they purchase and prepare meals together.

ii. An individual between the ages of 18 and 22, not living with his or her biological, adoptive or stepparent, who is married and/or has a child of his or her own, and is not financially dependent on a member of the household, and prepares and eats his or her meals separate and apart from other members residing in the household, may, for NJ SNAP purposes, be considered a separate household.

iii. An individual, including individuals under 18 years old, emancipated from any parental control, living solely with his or her spouse and/or children, for NJ SNAP purposes, shall be considered a separate household;

3. A spouse of a member of the household. For the purposes of this Program, the term "spouse" shall include persons who are legally married pursuant to New Jersey law, as well as individuals in a domestic partnership, pursuant to *N.J.S.A. 26:8A-1* et seq., and civil union partners, pursuant to *N.J.S.A. 37:1-28* et seq.; or

4. Individuals who purchase and prepare meals together, with the following exceptions:

i. A household containing an elderly and disabled member who cannot purchase and prepare meals separately can be separated from the other household members, provided that the income of the other members does not exceed 165 percent of the Federal poverty level for the household size of the other members, per *N.J.A.C. 10:87-2.2(a)*4. (See *N.J.A.C. 10:87-12.7* Table VII.)

ii. Foster individuals (*N.J.A.C. 10:87-2.3(b)*6) cannot be required to be included in the household if the household decides otherwise.

(d) In cases of joint child custody, either parent may claim a child(ren) as a member of their NJ SNAP household, as long as the child(ren) resides in the home for some portion of the month. In the event that both parents are participating in the NJ SNAP program and both want to claim the child(ren) as a part of his or her household, the parent who has the child(ren) the greater part of the time shall be the parent to claim the child(ren) as a part of his or her NJ SNAP household.

1. If the child(ren) lives with each parent equally, the parent household that applies first shall be the one to add the child(ren) to his or her NJ SNAP household.

2. Under no circumstances shall duplicate participation occur. The child(ren) cannot be a part of two NJ SNAP households at the same time.

History

HISTORY:

Amended on an emergency basis, R.1981 d.398, effective September 30, 1981 (operative October 1, 1981), expires November 30, 1981.

See: 13 N.J.R. 769(a).

Readopted, R.1981 d.517, effective December 31, 1981.

See: 13 N.J.R. 769(a), 14 N.J.R. 103(a).

Section substantially amended.

Amended by R.1983 d.72, effective February 28, 1983.

See: 15 N.J.R. 97(a), 15 N.J.R. 444(a).

Originally filed as an emergency adoption (R.1982 d.503) on December 30, 1982. Changes upon readoption were precipitated by emergency adoption (R.1983 d.38) filed on January 31, 1983. Readopted as R.1983 d.72. Language has been added to provide for and distinguish income limitations for elderly and disabled individuals living with others.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

Stylistic revisions in (a)4 and 5 correcting reference to *N.J.A.C. 10:87-2.20(i)*.

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

Rewrote (c).

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Deleted the introductory phrases throughout; in (a), amended the N.J.A.C. references in the first sentence of 4 and the second sentence of 5; in (c), added the third sentence.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

In (c)1, inserted ", regardless of the marital status or having a child of their own", deleted former (c)2 and added new (c)2; in (c)4, inserted ", with the following exceptions" and substituted a colon for the period at the end; and added (d).

Amended by R.2009 d.94, effective March 16, 2009.

See: *40 N.J.R. 5932(a)*, *41 N.J.R. 1245(b)*.

In the introductory paragraph of (c)1, substituted a period for a semicolon at the end of the first sentence and inserted the last three sentences; and added (c)1i and (c)1ii.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

In (a)5, the introductory paragraph of (d), and in (d)1 and (d)2, substituted "NJ SNAP" for "food stamp"; in (a)5, substituted "NJ SNAP benefits" for "food stamps"; rewrote (c)1 and (c)2; and in the introductory paragraph of (d), substituted "NJ SNAP program" for "Food Stamp Program".

Amended by R.2017 d.022, effective February 6, 2017.

See: *48 N.J.R. 695(a)*, *49 N.J.R. 267(a)*.

In the introductory paragraph of (a)2, substituted "others." for "the others;"; and added (a)2i.

Amended by R.2024 d.059, effective June 17, 2024.

See: *56 N.J.R. 177(a)*, *56 N.J.R. 1105(b)*.

Rewrote (c)3.

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§ 10:87-2.3 Nonhousehold members, boarders and excluded household members

(a) Individuals in (a)1 and 2 below residing with a household shall not be considered household members in determining a household's eligibility or allotment.

1. The following nonhousehold members who are otherwise eligible may participate in the program as separate households:

i. Individuals to whom a household furnishes lodging, but not meals, for compensation, otherwise known as roomers;

ii. Individuals who reside in a household to provide medical, housekeeping, child care or other similar personal services, otherwise known as live-in-attendants; and

iii. Other individuals who share living quarters with the household but who do not customarily purchase and prepare meals with the household. For example, if the applicant household shares living quarters with another family to save on rent but does not purchase and prepare food together with that family, the members of the other family are not members of the applicant household.

2. The following nonhousehold members are ineligible to participate in the program as separate households:

i. Persons enrolled in an institution of post-secondary education who are ineligible because they fail to meet the eligibility criteria at *N.J.A.C. 10:87-3.14(d)*.

(b) Boarders are defined as individuals or groups of individuals residing with a household and paying reasonable compensation to the household for lodging and meals, excluding residents of a commercial boarding house.

1. Boarders are ineligible to participate in the program independent of the household providing boarder services to them. Boarders may only participate in the program as members of the household providing the boarder services to them, at such household's request. Boarders who are included in the household shall have all income and resources counted in determining the household's eligibility.

2. In no event shall boarder status be granted to children or siblings residing with elderly or disabled parents or siblings or to those individuals or groups of individuals described at *N.J.A.C. 10:87-2.2(c)*.

3. To determine if an individual qualifies for boarder status, it is necessary to determine if the individual is paying reasonable compensation for meals and lodging. Only that amount paid for meals shall be used in determining reasonable payment provided that the amount paid for meals is distinguishable from the amount paid for lodging. A reasonable monthly payment shall be either of the following:

i. Boarders whose board arrangement is for more than two meals per day shall pay an amount which equals or exceeds the maximum benefit allotment (MBA) for the appropriate size of the boarder household; or

ii. Boarders whose board arrangement is for two meals or less per day shall pay an amount which equals or exceeds two-thirds the MBA for the appropriate size of the boarder household.

4. Boarder status shall not be extended to an individual who is furnished both meals and lodging by a household but is paying compensation of less than a reasonable amount (as specified in (b)3 above). Such individual shall be considered a member of the household which provides the meals and lodging and shall have his or her income and resources counted in determining the eligibility and benefits of the household with whom the individual boards.

5. None of the income and resources of individuals determined to be boarders and who are not members of the household providing boarder services shall be considered available to such household. However, the amount of the payment that a boarder gives to a household shall be treated as self-employment income to the household in accordance with *N.J.A.C. 10:87-5.4(a)*3.

6. Foster individuals cannot be required to be included in the household with whom they reside. The household has the option of including foster individuals in the household, but if it elects not to do so, then the foster individuals shall be treated as boarders. Likewise, children who are placed in a household under a guardianship arrangement shall be treated in a manner similar to foster children and adults. That is, the household has the option of including the individual under guardian care in the household for NJ SNAP purposes, or excluding the individual from the household. Any payment that the household receives for the care of the individual under guardianship care shall be either included in household income, if the household elects to include the individual in the NJ SNAP household, or excluded from household income if the household decides to exclude the individual from the household.

(c) The following individuals residing with a household shall be excluded from the household when determining the household's size for the purposes of assigning a benefit level to the household or of comparing the household's monthly income with the income eligibility standards. However, the income and resources of an excluded household member shall be considered available to the remaining household members in accordance with *N.J.A.C. 10:87-7.7*. Excluded household members may not participate in the program as separate households.

1. Individuals disqualified for intentional program violation (see *N.J.A.C. 10:87-11.1* through *11.10*);

2. Individuals disqualified for failure to obtain or refusal to provide a Social Security number (see *N.J.A.C. 10:87-3.15*);

3. Individuals who do not attest to or meet the citizenship or eligible alien status requirements at *N.J.A.C. 10:87-3.6*, *3.7* and *3.8* or the eligible sponsored alien requirements at *N.J.A.C. 10:87-7.11(a)*; or

4. Individuals disqualified for noncompliance with the work registration, employment and training program, or voluntary quit provisions at *N.J.A.C. 10:87-10.5* and *10.15* through *10.20*.

History

HISTORY:

Amended by R.1981 d.97, effective April 9, 1981.

See: 13 N.J.R. 96(c), 13 N.J.R. 228(a).

(a)5: new text substituted for old.

(a)6: delete disqualification of college students for failure to meet school year work registration requirements.

Amended on an emergency basis, R.1981 d.398, eff. September 30, 1981 (oper. October 1, 1981) exp. November 30, 1981.

See: 13 N.J.R. 769(a).

Readopted, R.1981 d.517, eff. December 31, 1981.

See: 13 N.J.R. 769(a), 14 N.J.R. 103(a).

(a)2i: "or" deleted after "spouse" and "or parents" added; "or to either parents . . . of age or older."

Amended by R.1983 d.72, effective February 28, 1983.

See: 15 N.J.R. 97(a), 15 N.J.R. 444(a).

Originally filed as an emergency adoption (R.1982 d.503) on December 30, 1982. Changes upon readoption were precipitated by an emergency adoption (R.1983 d.38) filed on January 31, 1983. Readopted as R.1983 d.72. The definition of "boarders" has been amended and language has been added to clarify inclusion of income and resources of disqualified individuals.

Amended by R.1983 d.223, effective May 31, 1983.

See: 15 N.J.R. 629(a), 15 N.J.R. 1033(a).

Originally adopted as an emergency Rule R.1983 d.116, eff. March 31, 1983, operative April 1, 1983. The amendment is pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35). Language concerning disqualified individuals changed to excluded household members.

Emergency Rule, R.1987 d.202, effective April 3, 1987 (expires June 2, 1987).

See: 19 N.J.R. 649(a).

(c)5 added.

Readoption of Emergency Rule and Concurrent Proposal, R.1987 d.261, effective July 6, 1987.

See: 19 N.J.R. 649(a), 19 N.J.R. 1207(b).

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

Stylistic revisions in (c)4 correcting reference to *N.J.A.C. 10:87-2.21(b)*.

Amended by R.1991 d.247, effective May 6, 1991.

See: 23 N.J.R. 179(a), 23 N.J.R. 1412(b).

Deleted (a)2ii regarding individuals disqualified for noncompliance with various work and/or training requirements.

Revised such text at (c)4 for excluded household members.

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (b)6, substituted references to individuals for references to children throughout.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

In (b)3i, substituted "benefit" for "coupon", and in (b)3i and (b)3ii, substituted "(MBA)" for "(MCA)".

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

In (a)2i, updated the N.J.A.C. reference; in the introductory paragraph of (b), inserted a comma following "meals"; and in (b)6, substituted "NJ SNAP" for "food stamp" twice and "that" for "which".

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§ 10:87-2.4 Residents of institutions and homeless individuals defined

(a) Individuals shall be considered residents of an institution when the institution provides them with the majority of their meals (over 50 percent of three meals daily) as part of the institution's normal services. Residents of institutions are not eligible for participation in the NJ SNAP program, with the following exceptions:

1. Residents of Federally subsidized housing for the elderly, built under either Section 202 of the Housing Act of 1959 or Section 236 of the National Housing Act;

2. Substance abusers who, for the purpose of regular participation in a New Jersey Department of Health and Senior Services licensed or approved residential substance abuse treatment program, reside at a facility or treatment center as described at *N.J.A.C. 10:87-2.7(d)*;

i. Residents must be certified as one-person households unless their children are living with them, in which case their children shall be included in the household with the parent;

3. Blind and/or disabled individuals who meet the definition at *N.J.A.C. 10:87-2.34* and who reside in a public or private nonprofit group living arrangement that serves no more than 16 residents (see *N.J.A.C. 10:87-2.7(e)*);

4. Women or women with their children temporarily residing in a shelter for battered women and children shall be considered individual household units for the purpose of applying for and participating in the program.

i. A shelter for battered women and children shall be defined as a public or private nonprofit residential facility that serves battered women and their children and which may be authorized by FNS to accept and redeem NJ SNAP benefits. If such a facility serves other individuals, a portion of the facility must be set aside on a long term basis to serve only battered women and children.

ii. The CSSA shall maintain a list of shelters which meet the definition at (a)4i above and document the basis of this determination. Shelters having FNS authorization to redeem NJ SNAP benefits through wholesalers shall be deemed as meeting the above definition.

5. Residents of public or private nonprofit shelters for homeless persons.

(b) Homeless individual means an individual who lacks a fixed and regular nighttime residence or whose primary nighttime residence is:

1. A supervised shelter designed to provide temporary accommodations, such as a welfare hotel or congregate shelter;

2. A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;

3. A temporary accommodation in the residence of another individual, provided that such accommodation is not maintained for more than 90 days; or

4. A place not designed for, or ordinarily used, as regular sleeping accommodation for human beings (a hallway, a bus station, a lobby or similar places).

History

HISTORY:

Amended by R.1982 d.473, effective January 3, 1983.

See: 14 N.J.R. 1037(a), 15 N.J.R. 34(a).

Added, group living arrangements and shelters for battered women.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1993 d.62, effective February 1, 1993.

See: 24 N.J.R. 3207(b), 25 N.J.R. 584(a).

In (a)3, revised definition of who qualifies for food stamp benefits in an institution.

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (b)3, inserted ", provided that such accommodation is not maintained for more than 90 days" following "individual".

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-2.5

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 87. NEW JERSEY SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (NJ SNAP) MANUAL > SUBCHAPTER 2. THE APPLICATION PROCESS

§ 10:87-2.5 Boarding home/house

(a) Residents of commercial boarding homes/houses are not eligible for program benefits. For program purposes, a boarding home/house shall be defined as an establishment which is licensed as a commercial enterprise which offers meals and lodging for compensation. In areas without licensing requirements, a boarding home/house shall be defined as a commercial establishment which offers meals and lodging for compensation with the intention of making a profit. The number of boarders shall not be used to determine if a boarding home/house is a commercial enterprise.

(b) The household of the proprietor of a boarding home/house may participate in the program separate and apart from the residents of the boarding home if that household meets all of the eligibility requirements for program participation.

History

HISTORY:

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (b), deleted the introductory phrase.

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§ 10:87-2.6 Head of household

(a) The CSSA shall not use the head of household designation to impose special requirements on the household, such as requiring that the head of household, rather than another responsible member of the household, appear at the certification office to make application for benefits.

(b) When designating the head of household, the CSSA shall allow the household to select an adult parent of children (of any age) living in the household, as the head of household provided that all adult household members agree to the selection. The CSSA shall permit such households to select their head at each certification action or whenever there is a change in household composition.

1. The CSSA shall provide written notice to all households at the time of application and, as otherwise appropriate, that specifies the household's right to select its head of household in accordance with (b) above.

i. The written notice shall identify which households have the option to select their head of household, the circumstances under which a household may change its designation of head of household and how such changes must be reported to the CSSA.

(c) If all adult household members do not agree to the selection or decline to select an adult parent as the head of household, the CSSA may designate the head of household or permit the household to make another selection. In no event shall the household's failure to select an adult parent of children, or an adult who has parental control over children, as the head of household delay the certification or result in the denial of benefits of an otherwise eligible household. For households that do not consist of adult parents and children or adults who have parental control of children living in the household, the CSSA shall designate the head of household or permit the household to do so.

(d) For purposes of failure to comply with the work requirements at N.J.A.C. 10:87-10, the head of household shall be the principal wage earner unless the household has selected an adult parent of children as specified in (b) and (c) above. The principal wage earner shall be the household member (including excluded members, see *N.J.A.C. 10:87-2.3(c)*) who is the greatest source of earned income in the two months prior to the month of the violation. This provision applies only if the employment involves 20 hours or

more per week or provides weekly earnings at least equivalent to the Federal minimum wage multiplied by 20 hours.

1. No person of any age living with a parent or person fulfilling the role of a parent who is registered for work or exempt from work registration requirements because such parent or person fulfilling the role of a parent is subject to and participating in any work requirement under title IV of the Social Security Act, or in receipt of unemployment compensation (or has registered for work as part of the application for or receipt of unemployment compensation), or is employed or self-employed and working a minimum of 30 hours weekly or receiving weekly earnings equal to the Federal minimum wage multiplied by 30 hours, shall be considered the head of household unless the person is an adult parent of children as specified in (b) and (c) above and the household elects to designate the adult parent as its head of household.

2. If there is no principal source of earned income in the household, the household member, documented in the case file as the head of household at the time of the violation, shall be considered the head of household.

3. The designation of head of household through the circumstances at (d) above shall take precedence over a previous designation of head of household at least until the period of ineligibility is ended.

History

HISTORY:

Emergency Amendment, R.1987 d.202, effective April 3, 1987 (expires June 2, 1987).

See: 19 N.J.R. 649(a).

Added all new text.

Readoption of Emergency Rule and Concurrent Proposal, R.1987 d.261, effective July 6, 1987.

See: 19 N.J.R. 649(a), 19 N.J.R. 1207(b).

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1991 d.247, effective May 6, 1991.

See: 23 N.J.R. 179(a), 23 N.J.R. 1412(b).

Added new (b)iv.

Amended by R.1993 d.62, effective February 1, 1993.

See: 24 N.J.R. 3207(b), 25 N.J.R. 584(a).

In (b)1ii, provides for the selection of a head of household.

Repeal and New Rule, R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Section was "Head of Household".

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§ 10:87-2.7 Authorized representatives

(a) The head of the household, spouse, or any other responsible member of the household may designate an authorized representative to act on behalf of the household in one or all of the functions described in (b) through (e) below.

(b) When the head of the household or the spouse cannot make application, another household member may apply, or an adult nonhousehold member may be designated as the authorized representative for that purpose. The head of the household or the spouse should prepare or review the application whenever possible even though another household member or the authorized representative will actually be interviewed. In conjunction with these provisions, another household member or the household's authorized representative may complete work registration forms for those household members required to register for work. The authorized representative designated for application processing purposes may also carry out household responsibilities during the certification period, such as reporting changes in the household's income or other household circumstances in accordance with *N.J.A.C. 10:87-9.5(b)*. The CSSA shall inform the household that it will be held liable for any overissuance which results from erroneous information given by the authorized representative, except as provided at *N.J.A.C. 10:87-7.8(d)* and *7.9(d)*. Adults who are non-household members may be designated as authorized representatives for certification purposes only under the following conditions:

1. The authorized representative has been designated in writing by the head of the household or the spouse, or another responsible member of the household; and

2. The authorized representative is an adult (age 18 or older) who is sufficiently aware of relevant household circumstances.

(c) An authorized representative may be designated as a payee to use NJ SNAP benefits. The authorized representative for benefit use may be the same individual designated to make application and meet reporting requirements during the certification period for the household or may be another individual. An authorized representative acting as payee may access NJ SNAP benefits in order to purchase food for the household's consumption, with the full knowledge and consent of the household. This designation can be made at the time the application is completed, or at a later date, and an authorized representative who is acting as a payee shall be issued his or her own

Families First card with its own Personal Identification Number (PIN) in accordance with the provisions at *N.J.A.C. 10:88-3.2*.

1. The household may also designate an emergency authorized representative at a later date. An emergency authorized representative is someone not already identified who would be able to assist the household when neither a household member nor the authorized representative is able to assist them because of unforeseen circumstances.

(d) Substance abusers who regularly participate in a drug or alcoholic treatment program on a resident basis may elect to participate in the NJ SNAP program. The resident shall apply and be certified for program participation through the use of an authorized representative who shall be an employee of and designated by the publicly operated community mental health center or the private nonprofit organization or institution which is administering the treatment and rehabilitation program. The organization or institution shall apply on behalf of each substance abuser and shall receive a Families First card for each individual and shall access each individual's benefit for food prepared by and/or served to the substance abuser. The organization or institution shall also be responsible for complying with the requirements set forth at *N.J.A.C. 10:87-7.8* and *10:88-3.5*.

1. For the purpose of this Manual, a center shall be defined as any licensed or approved residential substance abuse treatment program or halfway house which has been certified as such by the New Jersey Department of Human Services or has been authorized by FNS to accept NJ SNAP benefits as a retailer.

2. Prior to certifying any residents for NJ SNAP benefits, the CSSA shall verify that the treatment center is authorized by FNS as a retailer or is certified as an approved center by the New Jersey Department of Human Services.

i. A center or facility which is in possession of a current NJ SNAP program Authorization Card (Form FNS-254) shall be construed as an authorized center.

(e) Residents of group living arrangements shall either apply and be certified through use of an authorized representative employed and designated by the group living facility or apply and be certified on their own behalf or through an authorized representative of their own choice. Prior to certifying any residents for NJ SNAP benefits, the CSSA shall verify that the facility is authorized by FNS or certified by the Department of Human Services (see (e)1 below).

1. A group living arrangement shall be defined as a public or private nonprofit residential setting which serves no more than 16 residents, which is certified by the New Jersey Department of Human Services and which may elect to be authorized by FNS to accept NJ SNAP benefits.

i. A center or facility which is in possession of a current NJ SNAP program Authorization Card (FNS-254) shall be construed as an authorized center.

2. Staff of the group living arrangement facility has the responsibility to determine if any individual or group of individuals residing at the facility is competent to comprehend the application process and be responsible for his/her statements in order to apply on his/her own behalf.

3. If the group living arrangement facility acts as the authorized representative, the facility shall make application for an individual resident as a one-person household.

4. If the resident applies through the facility as the authorized representative, the facility may either access each individual's benefit allotment for food prepared by and/or served to the eligible residents or allow the eligible resident access to all or any portion of the allotment on his or her own behalf.

5. If the residents are certified on their own behalf, the benefit allotment may either be accessed by the facility to be used to purchase food for meals served, whether communally or individually to eligible residents; or the benefit allotment may be accessed by each eligible resident to purchase and prepare food for their own consumption; and/or to purchase meals prepared and served by the group living arrangement.

6. The group living arrangement facility is responsible for complying with the requirements set forth at *N.J.A.C. 10:87-7.9* and *10:88-3.5*.

History

HISTORY:

As amended, R.1980 d.117, effective March 19, 1980.

See: 11 N.J.R. 517(a), 12 N.J.R. 194(b).

(a)2i: Added last sentence.

(a)4i: Deleted requirement for prior authorization to receive food stamps.

As amended, R.1982 d.437, effective December 20, 1982.

See: 14 N.J.R. 1041(a), 14 N.J.R. 1462(b).

Household representative authorized to complete work registrations for other household members.

As amended, R.1982 d.474, effective January 3, 1983.

See: 14 N.J.R. 1081(b), 15 N.J.R. 35(a).

Authorization by FNS delineated.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1999 d.6, effective January 4, 1999.

See: *30 N.J.R. 3451(a)*, *31 N.J.R. 69(a)*.

In (e)2ii and (f)1ii, substituted references to the Division of Family Development for references to the Division of Economic Assistance, Bureau of Food Stamps.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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§ 10:87-2.8 Nonhousehold member as authorized representative

In the event the only adult living with a household is classified as a nonhousehold member as defined in *N.J.A.C. 10:87-2.3*, that individual may be the authorized representative for the minor household members.

History

HISTORY:

As amended, R.1982 d.474, effective January 3, 1983.

See: 14 N.J.R. 1081(b), 15 N.J.R. 35(a).

N.J.A.C. cite inserted.

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§ 10:87-2.9 Documentation of authorized representative

The CSSA shall bear the responsibility of recording in the case record the name of the authorized representative.

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N.J.A.C. 10:87-2.10

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§ 10:87-2.10 Restrictions on authorized representatives

(a) Public welfare agency employees who are involved in the certification and/or issuance process and retailers that are authorized to accept NJ SNAP benefits may not act as authorized representatives without the specific written approval of the CSSA Director, and only if the Director determines that no one else is available to serve as an authorized representative. The CSSA Director shall personally approve any appointments of this nature.

(b) Individuals disqualified for intentional program violation shall not act as authorized representatives during the period of disqualification, unless the disqualified individual is the only adult member of the household able to act on its behalf and the CSSA has determined that no one else is available to serve as an authorized representative. The CSSA shall separately determine whether or not these individuals are needed to apply on behalf of the household and to access benefits in order to purchase food for the household. For example, the household may have an authorized representative but may not be able to find anyone to access their benefits and purchase food regularly. If the CSSA also is unable to find anyone to serve as authorized representative to access benefits and purchase food regularly, the disqualified member shall be allowed to do so.

(c) Limits shall not be placed on the number of households an authorized representative may represent. In the event that employers, such as those that employ migrant or seasonal farm workers, are designated as authorized representatives or that a single authorized representative has access to a large number of recipient benefits, the CSSA will exercise caution to assure that: the household has freely requested the assistance of the authorized representative; the household's circumstances are correctly represented and the household is receiving the correct amount of benefits; and the authorized representative is properly accessing and using the benefits. When a CSSA suspects an authorized representative of not properly accessing and using the benefits, it should report the circumstances to the Director, Division of Family Development, who will in turn forward the report to the FNS.

(d) CSSAs that have obtained evidence that an authorized representative has misrepresented a household's circumstances and has knowingly provided false information pertaining to the household, or has made improper access to or use of benefits, may disqualify that person from acting as an authorized representative for up to one year. The CSSA shall send written notification to the affected household(s) and the

authorized representative 30 days prior to the date of disqualification. The notification shall include the proposed action, the reason for the proposed action, the household's right to request a fair hearing, the telephone number of the NJ SNAP office and, if possible, the person to contact for further information. The household, not the authorized representative, may appeal this action. This provision is not applicable in the case of licensed or approved residential substance abuse treatment programs and those group homes that act as authorized representatives for their residents.

(e) Homeless meal providers may not act as authorized representatives for homeless NJ SNAP recipients. A homeless meal provider means a public or private nonprofit establishment (for example, soup kitchen, temporary shelter), approved by the New Jersey Department of Human Services and authorized by FNS to accept NJ SNAP benefits, that feeds homeless persons.

1. The Division of Family Development, or another appropriate State or local governmental agency identified by the New Jersey Department of Human Services in addition to FNS, shall approve establishments and shelters serving the homeless. The establishment or shelter is required to present sufficient evidence, as determined by the State agency, that it does in fact serve meals to homeless persons. The Division of Family Development will remain responsible for ensuring effective compliance with these provisions when another agency has been identified to approve establishments or shelters serving the homeless. Upon approval as a homeless meal provider by the State agency, the homeless meal provider must present evidence of the State's approval to FNS if it wishes to become authorized by FNS to accept NJ SNAP benefits.

History

HISTORY:

As amended, R.1984 d.17, effective February 6, 1984.

See: 15 N.J.R. 1821(a), 16 N.J.R. 246(a).

(a)4, disqualification of authorized representatives added.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

In (a), (d), the introductory paragraph of (e), and (e)1, substituted "NJ SNAP" for "food stamp" throughout; in (c), inserted a comma following "employers" and "workers", and substituted "FNS" for "Food and Nutrition Service"; in (d), substituted "that" for "which" following "CWAs" and "group homes"; and in the introductory paragraph of (e), substituted "New Jersey" for "N.J.".

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N.J.A.C. 10:87-2.11

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 87. NEW JERSEY SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (NJ SNAP) MANUAL > SUBCHAPTER 2. THE APPLICATION PROCESS

§ 10:87-2.11 Application for NJ SNAP benefits

The application process includes filing and completion of an application form, interview of the applicant, and verification of certain information. The CSSA shall act promptly (see *N.J.A.C. 10:87-2.26* and *2.27* on all applications and provide NJ SNAP benefits retroactive to the month of application to those households which have completed the application process and have been determined eligible. Expedited service shall be available to households in immediate need (see *N.J.A.C. 10:87-2.28* through *2.30*).

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Amended the N.J.A.C. references throughout.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-2.12

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§ 10:87-2.12 NJ SNAP application form

(a) The composition of the applicant household will determine the appropriate NJ SNAP application to be used:

1. PA/NJ SNAP households are those NJ SNAP households (as determined at *N.J.A.C. 10:87-2.2*) in which any member is in receipt of TANF or GA, SSI or is a household that is categorically eligible in accordance with *N.J.A.C. 10:87-2.32*, and shall be counted as PA/NJ SNAP households. Additionally, a case that is categorically eligible or is receiving TANF payments for transportation, child care or to subsidize wages, is counted as a PA/NJ SNAP household. For such households the appropriate application form is the Form WFNJ-1J ("Application and Affidavit for Public Assistance") which will serve as a joint application for public assistance and NJ SNAP benefits.

2. NPA households are those NJ SNAP households (as determined at *N.J.A.C. 10:87-2.2*) that do not meet the definition of PA households. For such households, the appropriate application form is NJ SNAP Application.

3. SSI jointly processed households are those households in which all members are applicants for, or recipients of, SSI and are neither certified for, nor have an application for NJ SNAP benefits pending and have applied for NJ SNAP benefits at a Social Security Administration district office (SSA/DO). For such households, the appropriate application form is NJ SNAP Application (see *N.J.A.C. 10:87-2.33*).

(b) All applicants for NJ SNAP benefits shall be notified at the time of application, and at each recertification, through a written statement, that information available through the State IEVS will be requested to verify eligibility. Discrepancies found are subject to additional verification through collateral contact and such information may affect the household's eligibility and benefits.

(c) The applicant is required to sign the application that shall contain a statement attesting under penalty of perjury to the citizenship of each household member applying for benefits or alien status of each household member applying for benefits. The income and resources of the ineligible member(s) shall be considered available in determining the eligibility of any remaining household members in accordance with *N.J.A.C. 10:87-7.7*.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1999 d.6, effective January 4, 1999.

See: *30 N.J.R. 3451(a)*, *31 N.J.R. 69(a)*.

In (a), substituted a reference to WFNJ/TANF for a reference to AFDC in 1; and substituted a reference to Form FSP-901 for a reference to FSP-901A in 3.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

Section was "Food stamp application form". Rewrote (a) and (b).

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N.J.A.C. 10:87-2.13

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 57 No. 19, October 6, 2025

§ 10:87-2.13 Filing an application

(a) The CSSAs shall utilize an application form approved by the Division of Family Development. The application shall prominently contain understandable terms that benefits will be subject to verification by Federal, State and local officials to determine that the information is factual and that incorrect information can lead to denial and may subject the applicant to criminal prosecution for knowingly providing incorrect information, as well as civil and criminal provisions and penalties. In addition, the front page shall provide space for the applicant to write his or her name, address and signature; a clear statement of the household's right to immediately file an application; and notice that benefits are provided from date of application.

(b) Households must file an NJ SNAP application by submitting the appropriate form to the NJ SNAP office in person, through an authorized representative, by mail, by data-faxing or electronically. The amount of time for the CSSA to deliver benefits is calculated from the date the application is filed in the NJ SNAP office designated to accept the household's application (see *N.J.A.C. 10:87-2.26* and *2.27*). Households subject to SSI joint processing (see *N.J.A.C. 10:87-2.12(a)*3) must file an NJ SNAP application by submitting the appropriate form to the SSA/DO in person, through an authorized representative, or by mail. The amount of time for the CSSA to deliver benefits is calculated from the date the application is filed in the SSA/DO designated to accept the household's application (see *N.J.A.C. 10:87-2.26*). Residents of public institutions who jointly apply for NJ SNAP benefits and SSI under SSA's Prerelease Program for the Institutionalized shall have their date of release from the institution considered as the date of application for NJ SNAP purposes.

(c) Each household has the right to file an application during office hours of the same day it contacts the NJ SNAP office within the county of its residence. The household shall be advised that it does not have to be interviewed before filing the application and may file an incomplete application.

1. In order to be considered an application for NJ SNAP purposes, the paper or electronic application must contain, at a minimum, the applicant's name and address, and must be signed by a responsible member of the household or the household's authorized representative (see *N.J.A.C. 10:87-2.7*).

2. The CSSA shall document the date the application was filed by recording on the application the date it was received by the CSSA.

3. CSSAs shall accept and process applications during a month(s) in which a reduction, suspension, or cancellation is in effect in accordance with the requirements in this subchapter. Benefits shall be issued in accordance with the requirements at *N.J.A.C. 10:87-2.26(c)*.

(d) The CSSA shall encourage households to file an application the same day the household or its representative contacts the certification office, in person or by telephone, and expresses interest in obtaining NJ SNAP assistance or indicates food insecurity. The CSSA shall inform households that receiving NJ SNAP benefits will have no bearing on the time limits that apply to any other program and shall inform households that the requirements associated with applying for cash assistance do not apply for the NJ SNAP program.

1. If the household has contacted the certification office by telephone designated to accept that household's application but does not wish to come to the office to file the application that same day and instead prefers receiving an application through the mail, the CSSA shall provide an application form to the household on the same day the telephone request is received. Additionally, the household shall be advised that a copy of the application may be obtained from the website maintained by the State of New Jersey, or it may be data-faxed. If the household has requested food assistance in writing, the CSSA shall mail an application form or if requested, data-fax the form, to the household on the same day the written request is received.

2. If a household contacts the wrong certification office within the county, either in person or by telephone, that certification office shall, in addition to meeting the requirements at (d)1 above, give the household the address and telephone number of the appropriate office, explain how to file an application, and encourage the household to file its application in person, by mail or by electronic means at the appropriate office that same day. The certification office shall also offer to data-fax the household's application to the appropriate office that same day if the household has completed enough information to file. The household shall be informed that its application will not be considered filed and the processing standards shall not begin until the application is received by the appropriate office. If the household has mailed its request or application for food assistance to the wrong office, the certification office shall data-fax the request or application to the appropriate office on the same day.

(e) The CSSA shall make application forms readily accessible to potentially eligible households and those groups and organizations involved in outreach efforts. The CSSA shall also provide an application form or on-line copy of the application form for electronic filing to anyone who requests this form. Electronic signature techniques and hand-written signatures transmitted electronically are acceptable for signature identification.

(f) The CSSAs shall post signs in each certification office which explain the application processing standards and the right to file an application on the day of initial contact. The CSSA shall include similar information about same day filing in outreach materials.

(g) The household may voluntarily withdraw its application at any time prior to the determination of eligibility. The CSSA shall document in the case record the reason for withdrawal, if any was stated by the household, and that contact was made with the household to confirm the withdrawal. The household shall be advised of its right to reapply at any time subsequent to the withdrawal.

History

HISTORY:

As amended, R.1980 d.117, effective March 19, 1980.

See: 11 N.J.R. 517(a), 12 N.J.R. 194(b).

(c)2: Added second to last sentence; added "that same day" to previous sentence; made minor language changes.

As amended, R.1981 d.64, effective February 26, 1981.

See: 13 N.J.R. 226(b).

(b)3 added.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1989 d.464, effective September 5, 1989.

See: 21 N.J.R. 1636(a), 21 N.J.R. 2790(a).

Date of application for applicants who are institutionalized is now the same as date of release from institution.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-2.14

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 87. NEW JERSEY SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (NJ SNAP) MANUAL > SUBCHAPTER 2. THE APPLICATION PROCESS

§ 10:87-2.14 Household cooperation

To determine eligibility for program benefits, the application must be completed and signed, the household (or its authorized representative) interviewed, and certain information (see *N.J.A.C. 10:87-2.19* and *2.20*) must be verified. If the household refuses to cooperate with the CSSA in completing this process, by refusing to be interviewed, not merely missing an appointment, the application shall be denied at the time of refusal.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

Added reference to *N.J.A.C. 10:87-2.20*.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Amended N.J.A.C. references in the first sentence and inserted "by refusing to be interviewed, not merely missing an appointment," preceding "the application shall be denied" in the second sentence.

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N.J.A.C. 10:87-2.15

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§ 10:87-2.15 Denial of eligibility for non-cooperation

For a determination of refusal to be made by the CSSA, the household must be able to cooperate but clearly demonstrate that it will not take actions that it can take, to do what is required to complete the application process. For example, to be denied for refusal to cooperate, a household must refuse to be interviewed, not merely fail to appear for the interview. If there is any question as to whether the household has merely failed to cooperate as opposed to refused to cooperate, the household shall not be denied.

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N.J.A.C. 10:87-2.16

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§ 10:87-2.16 Subsequent refusal to cooperate

The household shall also be determined ineligible if it refuses to cooperate in any subsequent review of its eligibility, including reviews generated by reported changes and applications for recertification. Once denied or terminated for refusal to cooperate, the household may reapply but shall not be determined eligible until it cooperates.

History

HISTORY:

Amended by R.1985 d.180, effective April 15, 1985 (operative May 1, 1985).

See: 17 N.J.R. 167(a), 17 N.J.R. 969(a).

Section substantially amended.

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N.J.A.C. 10:87-2.17

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§ 10:87-2.17 Refusal to cooperate with Quality Control reviews

(a) The household shall be determined ineligible if it refuses to cooperate in a State or Federal Quality Control review. If a household is terminated for refusal to cooperate with a quality control reviewer, the household may reapply but shall not be determined eligible until one of the following conditions is met:

1. The household cooperates with the reviewer; or

2. If a household that was terminated for refusal to cooperate with a State quality control reviewer reapplies after 95 days from the end of the annual review period, the household shall not be denied for its failure to cooperate with a State quality control reviewer during the completed review period, but must provide verification prior to certification, in accordance with *N.J.A.C. 10:87-2.19(k)*. The annual review period ends on September 30 of each year.

3. If a household that was terminated for refusal to cooperate with a Federal quality control reviewer reapplies after seven months from the end of the annual review period, the household shall not be determined ineligible for its refusal to cooperate with a Federal quality control reviewer during the completed review period, but must provide verification in accordance with *N.J.A.C. 10:87-2.19(k)* prior to certification. The annual review period ends on September 30 of each year.

History

HISTORY:

Amended by R.1985 d.180, effective April 15, 1985 (operative May 1, 1985).

See: 17 N.J.R. 167(a), 17 N.J.R. 969(a).

Old text deleted and new text substituted.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Added (c).

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

Revised rule to conform with Federal regulations, specifying household's responsibility to comply with Quality Control reviews.

Deleted prior (a)2 and (b)-(c), and added new (a)2 and (a)3.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (a), amended N.J.A.C. references throughout.

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N.J.A.C. 10:87-2.18

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§ 10:87-2.18 Interview process

(a) All households certified for longer than 12 months, households with only earned income, households with no earned income, working poor households and households in which all members are elderly and/or disabled or those with hardship conditions shall be interviewed by a face-to-face interview, by phone or by a home visit. All applicant households (including those submitting applications by mail, data-fax or electronically) shall have either a face-to-face interview, telephone interview or home visit with a qualified eligibility worker, prior to initial certification and all recertifications. Additionally, a face-to-face interview shall be provided to any household that requests one. All interviews for NJ SNAP benefits shall meet the requirements at (b) through (g) below.

(b) The individual interviewed may be the head of household, spouse, any other responsible member of the household or an authorized representative. An applicant may bring any person he or she chooses to the interview. To the extent practicable, the CSSA shall schedule the interview to accommodate the needs of groups with special circumstances, including working households. The language spoken in the home shall be accommodated.

(c) The interviewer shall not simply review the information which appears on the application but shall explore and resolve with the household any unclear and incomplete information. Households shall be advised of their rights and responsibilities during the interview, including an explanation of the processing standards and the household's responsibility to report changes.

1. The interviewer shall explain to the applicant the work registration and employment and training requirements and the consequences of a household member quitting his or her job or reducing wages or hours of work without good cause (see *N.J.A.C. 10:87-10.6*).

(d) The interview shall be conducted as an official and confidential discussion of household circumstances. The applicant's right to privacy shall be protected during the interview. Facilities shall be of adequate size and layout to preserve the privacy and confidentiality of the interview.

(e) The in-office interview or telephone interview shall be waived for any household, which is unable to appoint an authorized representative (see *N.J.A.C. 10:87-2.7*) and which has no adult household members able to come to the NJ SNAP office. The CSSA

shall conduct a home interview on a case-by-case basis for any household that reports it is unable to appoint an authorized representative and has no members able to come to the NJ SNAP office or available for a telephone interview because of transportation difficulties or similar hardships. The waiver of the face-to-face or telephone interview shall be documented in the case record.

1. Hardship conditions include but are not limited to: illness, care of a household member, hardships due to residency in a rural area, prolonged severe weather, or work hours which preclude an in-office certification. If a waiver is granted, the CSSA shall document the reason for the determination in the case record.

2. The CSSA has the option of conducting a telephone interview or a home visit for those households for whom the office interview is waived. Home visits shall be made only if the date and time of the interview is scheduled in advance at a mutually acceptable location with the household.

3. Waiver of the face-to-face interview does not exempt the household from the verification requirements, although special procedures may be used to permit the household to provide verification and thus obtain its benefits in a timely manner, such as substituting a collateral contact in cases where documentary evidence would normally be provided.

4. Waiver of the face-to-face interview shall not affect the length of the household's certification period.

(f) For households that are not interviewed on the day they submit their applications, the CSSA shall schedule all interviews as promptly as possible in order to ensure that eligible households receive an opportunity to participate within 30 days after the application is filed. Initial applicants and recipients applying for recertification who cannot obtain certification services without missing time from work must be given appointments for such services. While appointments outside normal business hours are not required, CSSAs are encouraged to offer them.

1. If a household fails to appear for the first interview, the CSSA shall initiate action to schedule another interview. The interview shall be rescheduled without requiring the household to provide good cause for failing to appear. The CSSA shall notify each household that misses its interview appointment that it missed the scheduled appointment and that the household is responsible for rescheduling the missed interview. The CSSA shall reschedule if requested by the household. However, if the household does not appear for the rescheduled interview, the CSSA need not initiate action to schedule any further interviews unless the household requests that another interview be scheduled. Additionally, a denial of benefits cannot take place prior to the 30th day after the filing of an application based on the fact that an appointment has been missed.

(g) For SSI jointly processed households as defined at *N.J.A.C. 10:87-2.12(a)*3, the SSA/DO shall conduct a single interview for both NJ SNAP benefits and SSI. Jointly processed households shall not be required to see a CSSA eligibility worker or otherwise be subjected to an additional interview by the CSSA in order to obtain NJ SNAP benefits.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Section was Interviews.

Recodified from *N.J.A.C. 10:87-2.19* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section.

Amended by R.2009 d.94, effective March 16, 2009.

See: *40 N.J.R. 5932(a)*, *41 N.J.R. 1245(b)*.

In (a), inserted ", households with only earned income, households with no earned income and households in which all members are elderly and/or disabled", inserted "a" preceding "home visit" and inserted "other"; in the introductory paragraph of (e), inserted "in-", inserted "in lieu of a telephone interview", inserted a comma preceding "which" twice and inserted "adult", deleted "because they are elderly or disabled as defined at *N.J.A.C. 10:87-2.34*" from the end of the first sentence, and inserted the last sentence.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

Rewrote (a) and the introductory paragraph of (e); in (b), inserted the last sentence; and in (g), substituted "NJ SNAP" for "food stamp" twice.

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N.J.A.C. 10:87-2.19

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§ 10:87-2.19 Mandatory verification

(a) The CSSA shall verify the information in (b) through (m) below prior to certification for households initially applying for NJ SNAP benefits.

(b) Gross nonexempt income shall be verified for all households prior to certification. However, where all attempts to verify the income have been unsuccessful because the person or organization providing the income has failed to cooperate with the household and the CSSA, and all other sources of verification are unavailable, the eligibility worker shall determine the amount to be used for certification purposes based on the best available information.

(c) The CSSA shall verify the eligibility status of applicant aliens. For each household member identified on the application as an alien, the CSSA shall determine if that member is an eligible alien (see *N.J.A.C. 10:87-3.8*) by requiring that the household present verification for each alien member.

1. Per *7 CFR 273.2(f)(1)(ii)*, the *Department of Justice (DOJ) Interim Guidance On Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Interim Guidance) (62 FR 61344, November 17, 1997*) contains information on acceptable documents and USCIS codes. The CSSA shall use the Interim Guidelines until DOJ publishes a final rule on this issue. Thereafter, the CSSA should consult both the Interim Guidance and the DOJ final rule. Where the Interim Guidance and the DOJ final rule conflict, the latter should control the verification of alien eligibility.

2. The following information may also be relevant to the eligibility of some aliens: date of admission or date status was granted; military connection; battered status; if the alien was lawfully residing in the United States on August 22, 1996; membership in certain Indian tribes; if the person was age 65 or older on August 22, 1996; if a lawful permanent resident can be credited with 40 qualifying quarters of covered work and if any Federal means tested public benefits were received in any quarter after December 31, 1996; or if the alien was a member of certain Hmong or Highland Laotian tribes during a certain period of time or is a spouse or unmarried dependent of such a person. The CSSA shall also verify these factors if applicable to the alien's eligibility.

3. The SSA Quarters of Coverage History System (QCHS) is available for purposes of verifying whether a lawful permanent resident has earned or can receive credit for a total of 40 qualifying quarters. However, the QCHS may not show all qualifying quarters. For instance, SSA records do not show current year earnings and in some cases the last year's earnings, depending upon the time of request. Also, in some cases, an applicant may have work from uncovered employment that is not documented by SSA, but is countable toward the 40 quarters test. In both of these cases, the individual, rather than SSA, would need to provide the evidence needed to verify the quarters.

4. An alien is ineligible until acceptable documentation is provided, unless:

i. The CSSA has submitted a copy of a document provided by the household to USCIS for verification. Pending such verification, the CSSA cannot delay, deny, reduce or terminate the individual's eligibility for benefits on the basis of the immigration status;

ii. The applicant or the CSSA has submitted a request to SSA for information regarding the number of quarters of work that can be credited to the individual, SSA has responded that the individual has fewer than 40 quarters, and the individual provides documentation from SSA that SSA is conducting an investigation to determine if more quarters can be credited. If SSA indicates that the number of qualifying quarters that can be credited is under investigation, the CSSA shall certify the individual pending the results of the investigation for up to six months from the date of the original determination of insufficient quarters; or

iii. The applicant or the CSSA has submitted a request to a Federal agency for verification of information which bears on the individual's eligible alien status. The CSSA shall certify the individual pending the results of the investigation for up to six months from the date of the original request for verification.

5. The CSSA shall provide alien applicants with a reasonable opportunity to submit acceptable documentation of their eligible alien status by the 30th day following the date of application. A reasonable opportunity shall be at least 10 days from the date of the CSSA's request for an acceptable document. When the CSSA fails to provide an alien applicant with a reasonable opportunity as of the 30th day following the date of application, the CSSA shall provide the household with benefits no later than 30 days following the date of application, provided the household is otherwise eligible.

6. Aliens lawfully admitted as immigrants and aliens in continuous residence (see *N.J.A.C. 10:87-3.8(a)* shall present USCIS Form I-151 or Form I-551 "Alien Registration Receipt Card" or the "Re-entry Permit," a passport booklet for lawful permanent resident aliens.

7. Aliens in the categories specified at *N.J.A.C. 10:87-3.8(a)*8 through 11 shall present a USCIS Form I-94, "Arrival--Departure Record." The CSSA shall accept the USCIS Form I-94 only if it is annotated with Section 207, 208, 212(d)(5), or 243(h) of the Immigration and Nationality Act; or if the form is annotated with one of the following terms or combination of terms: refugee, parolee, paroled, or asylum.

i. A USCIS Form I-94 annotated with the letters (A) through (L) shall be considered verification of ineligible status unless the alien can provide other documentation from BCIS which indicates the alien is eligible.

ii. If the USCIS Form I-94 does not bear any acceptable annotations and the alien has no other verification of alien classification in his or her possession; the CSSA shall advise the alien to submit Form G-641, Application for Verification of Information from Immigration and Naturalization Service Records, to USCIS. The CSSA shall accept this form when presented by the alien and properly annotated at the bottom by a USCIS representative as evidence of lawful admission for permanent residence or parole for humanitarian reasons. The alien shall also be advised that classification under Sections 207, 208, 212(d)(5) or 243(h) of the Immigration and Nationality Act shall result in eligible status. Additionally, the alien shall also be advised that he or she may be eligible if acceptable verification is obtained and that the alien may contact USCIS or otherwise obtain the necessary verification. If the alien so wishes and signs a written consent, the CSSA will contact USCIS to obtain clarification of the alien's status.

8. If an alien is unable to provide any USCIS document at all (not even a USCIS Form I-94), the CSSA has no responsibility to offer to contact the USCIS on the alien's behalf. The CSSA's responsibility exists only when the alien has a USCIS document that does not clearly indicate eligible or ineligible alien status. In any event, the CSSA shall not contact USCIS to obtain information about the alien's correct status without the alien's written consent.

9. If the proper USCIS documentation is not available, the alien may state the reason and submit other conclusive verification. The CSSA shall accept other forms of documentation or corroboration from USCIS that the alien is classified pursuant to Section 101(a)(15), 101(a)(20), 207, 208, 212(d)(5), 243 or 249 of the Immigration and Nationality Act, or other conclusive evidence such as a court order stating that deportation has been withheld pursuant to Section 243(h) of the Immigration and Nationality Act.

10. While awaiting acceptable verification, the alien whose status is questionable shall be ineligible. If the alien does not wish to contact USCIS or give permission for the CSSA to contact USCIS, the household shall be given the option of withdrawing its application or participating without that member. The income and resources of the ineligible alien shall be treated in the same manner as an excluded individual as set forth at *N.J.A.C. 10:87-7.7(a)* and shall be considered available in determining the eligibility of any remaining household members.

11. Whenever the CSSA determines that any member of a household is ineligible to receive NJ SNAP benefits because he or she is present in the United States in violation of the Immigration and Nationality Act, that individual shall be reported to the local USCIS office. CSSAs must make a distinction between aliens who are ineligible for the NJ SNAP program for various reasons and aliens who are in the United States illegally. Only those aliens specifically determined by the USCIS to be illegal aliens shall be reported to USCIS by the CSSAs.

i. When a household indicates inability or unwillingness to provide documentation of alien status for any household member, that member shall be classified as an ineligible alien.

(d) The CSSA shall verify that the household incurs utility expenses that would qualify them for the appropriate utility standard. Households that qualify for a standard shall use the standard and cannot claim actual expenses. Households that are not entitled to either standard shall verify their actual expenses or sign the waiver. For households entitled to receive the Heating and Cooling Standard Utility Allowance (HCSUA) because they incur a cooling cost, a simple declaration on the application that the household is incurring such a cooling cost shall be sufficient.

1. If a household wishes to claim expenses for an unoccupied home, the CSSA shall verify the household's actual utility expenses for the unoccupied home in every case and shall not use either of the utility allowances (as defined at *N.J.A.C. 10:87-2.20(c)*1).

(e) The amount of any medical expense (including the amount of reimbursements) deductible under *N.J.A.C. 10:87-5.10(a)*3 shall be verified prior to initial certification. Verification of other factors including whether or not the services provided are allowable under *N.J.A.C. 10:87-5.10(a)*3i or the eligibility of the person incurring the cost, shall be required if questionable.

(f) Residency (see *N.J.A.C. 10:87-3.2* and *3.3*) shall be verified except in unusual cases (such as homeless household, some migrant farm worker households or households newly arrived in the county) when verification of residency cannot reasonably be established. Acceptable verification of residency should be accomplished, to the extent possible, in conjunction with the verification of other information, such as, but not limited to, rent and mortgage payments, shelter costs, utility expenses and identity. If verification cannot be accomplished in conjunction with the verification of other information, the CSSA shall use a collateral contact or other readily available documentary evidence. Any documents or collateral contacts that reasonably establish the household's residency shall be accepted and no requirements for a specific type may be imposed (see also *N.J.A.C. 10:87-3.4*). No durational residency requirement shall be established.

(g) The identity of the person making application shall be verified. If an authorized representative applies on behalf of a household, the identity of both the authorized representative and the head of household shall be verified. Identity may be verified through readily available documentary evidence, or if that is unavailable, through collateral contact.

1. Examples of acceptable documentary evidence which the applicant may provide include, but are not limited to, a driver's license, a work, or school identification card, an identification for health benefits or for another assistance or social service program, a voter registration card, wage stubs, or a birth certificate. Any document which reasonably establish the applicant's identity must be accepted, and no requirement for a specific type of document may be imposed.

(h) Procedures for obtaining and verifying Social Security numbers are as follows:

1. The CSSA shall verify the Social Security numbers (SSNs) provided by the household with the Social Security Administration (SSA) by submitting them through the management information system. Certification for, or issuance of benefits to, an otherwise eligible household shall not be delayed pending SSN verification. Once the SSNs have been verified, the CSSA shall make a permanent annotation to the household case file to prevent unnecessary reverification of the SSN in the future. Social Security numbers previously verified by another program participating in the IEVS shall be acceptable to the CSSA for NJ SNAP program participation.

2. The CSSA shall require an individual who is unable to provide, or does not have, a Social Security number to submit an application for a SSN (Form SS-5) to the Social Security Administration. The CSSA shall advise the household member that proof of application from the SSA will be required prior to certification. A completed SSA Form 2853 shall be considered proof of application for an SSN for a newborn infant. Refusal or failure without good cause to provide a Social Security number will result in disqualification of the individual for whom a SSN is not obtained.

i. If the county social service agency determines that a household member has refused or failed without good cause to provide or apply for a SSN, then that individual shall be ineligible to participate in the NJ SNAP program. The disqualification applies to the individual for whom the SSN is not provided, and not to the entire household. The earned or unearned income and resources of an individual disqualified for failure to obtain or provide a SSN shall be counted as household income and resources.

3. Determining good cause procedures are as follows:

i. In determining if good cause exists, the CSSA shall consider information from the household member, Social Security Administration and other State sources, that the household member has applied for, and/or made every effort to obtain a SSN from the Social Security Administration. Good cause does not include delays due to illness, lack of transportation or temporary absences, as the Social Security Administration makes provisions for mailing applications in lieu of applying in person. If a household member can show good cause why an application for a SSN has not been completed, that person shall be allowed to participate for one month in addition to the month of application. The CSSA caseworker should make every effort to assist the individual in obtaining documents required to support an application for a Social Security number.

ii. Good cause for failure to apply must be shown monthly in order for a household member to continue participation. Once an application has been filed, the CSSA shall permit the member to participate pending notification of the household member's SSN.

4. The disqualified household member(s) may end the disqualification and become eligible upon providing the CSSA with a SSN.

5. The CSSA is authorized to use SSNs in the administration of the NJ SNAP program and shall enter all SSNs obtained into the management information system. CSSAs shall have access to information regarding individual NJ SNAP program

applicants and participants who receive SSI benefits under Title XVI of the Social Security Act to determine such a household's eligibility for and level of NJ SNAP benefits, or to verify information related to benefits received by such households. The CSSA shall also use the SSN(s) to prevent duplicate participation and to determine the accuracy and/or reliability of information given by households.

6. If a household is unable to immediately provide verification that it has applied for a SSN for a newborn, the household must provide the SSN or proof of application for the SSN either at its next recertification or within six months following the month in which the baby is born, whichever is later. If the household is unable to provide an SSN or proof of application for the SSN at its next recertification or within six months following the birth month, the CSSA shall determine if the good cause provisions at *N.J.A.C. 10:87-2.19(h)*3 are applicable.

(i) The CSSA shall verify any factors affecting the composition of a household if questionable.

1. Individuals who claim to be a separate household from those with whom they reside shall be responsible for providing that they are a separate household to the satisfaction of the CSSA.

2. Individuals who claim to be a separate household from those with whom they reside based on the various age and disability factors at *N.J.A.C. 10:87-2.34*, shall be responsible for proving such claims in accordance with (j) below.

(j) Disability determinations shall be processed as follows:

1. The CSSA shall verify disability, as defined in *N.J.A.C. 10:87-2.34*, as follows:

i. For individuals to be considered disabled under *N.J.A.C. 10:87-2.34(a)* 2, 3 and 4, the household shall provide proof that the disabled individual is receiving benefits under Titles I, II, X, XIV, or XVI of the Social Security Act;

ii. For individuals to be considered disabled under *N.J.A.C. 10:87-2.34(a)*6, the household shall present a statement from the Department of Veterans Affairs (DVA) which clearly indicates that the disabled individual is receiving veteran's disability benefits for a service-connected or nonservice-connected disability and that the disability is rated or paid as total at the total rate by DVA;

iii. For individuals to be considered disabled under *N.J.A.C. 10:87-2.34(a)*7 and 8, proof by the household that the disabled individual is receiving veteran's disability benefits is sufficient verification of disability;

iv. For individuals to be considered disabled under *N.J.A.C. 10:87-2.34(a)*5 and 9, the CSSA shall use the Social Security Administration's (SSA) most current list of disabilities considered permanent under the Social Security Act for verifying disability. If it is obvious to the caseworker that the individual has one of the listed disabilities, the household shall be considered to have verified disability. If disability is not obvious to the caseworker, the household shall provide a statement from a physician or licensed or certified psychologist certifying that the individual has one of the nonobvious disabilities listed as the means for verifying disability under *N.J.A.C. 10:87-2.34(a)*5 and 9;

v. For individuals to be considered disabled under *N.J.A.C. 10:87-2.34(a)* 10, the household shall provide proof that the individual receives a Railroad Retirement disability annuity from the Railroad Retirement Board and has been determined to qualify for Medicare;

vi. For individuals to be considered disabled under *N.J.A.C. 10:87-2.34(a)*11, the CSSA shall verify that the individual receives the qualifying medical assistance identified at *N.J.A.C. 10:87-2.34(a)*11.

2. For disability determinations which must be made relevant to the provisions of *N.J.A.C. 10:87-2.2(a)*4, the CSSA shall use the SSA's most current list of disabilities as the initial step for verifying if an individual has a disability considered permanent under the Social Security Act. However, only those individuals who suffer from one of the disabilities mentioned in the SSA list who are unable to purchase and prepare meals because of such disability shall be considered disabled for the purpose of this provision. If it is obvious that the individual is unable to purchase and prepare meals because he or she suffers from a severe physical or mental disability, the individual shall be considered disabled for the purpose of the provision even if the disability is not specifically mentioned on the SSA list. If the disability is not obvious, the caseworker shall verify the disability by requiring a statement from a physician or licensed or certified psychologist certifying that the individual (in the physician or psychologist's opinion) is unable to purchase and prepare meals because he or she suffers from one of the nonobvious disabilities mentioned in the SSA list or is unable to purchase meals because he or she suffers from some other disease or nondisease-related disability. The elderly and disabled individual (or his or her authorized representative) shall be responsible for obtaining the cooperation of the individuals with whom he or she resides in providing the necessary income information about the others to the CSSA for purposes of this provision.

(k) The CSSA shall verify all factors of eligibility for households who have been terminated for refusal to cooperate with a State quality control reviewer, and reapply after 95 days from the end of the annual review period. The CSSA shall verify all factors of eligibility for households who have been terminated for refusal to cooperate with a Federal quality control reviewer and reapply after seven months from the end of the annual review period.

(l) The agency shall obtain verification of the household's legal obligation to pay child support, the amount of the obligation, and the monthly amount of child support the household actually pays.

1. The household is the primary source of verification of the legal obligation to pay child support, the amount of the obligation, and the amount paid. Any document that verifies the obligation to pay child support, such as a court order, administrative order, or legally-enforceable separation agreement would be sufficient verification of the obligation and obligatory amount.

2. Documents that are accepted as verification of the household's legal obligation to pay child support shall not be accepted as verification of the household's actual monthly child support payments. Acceptable documentation of amounts paid would

include canceled checks, ACSES data, wage withholding statements, verification of withholding from unemployment compensation, and statements from the custodial parent regarding direct payments or third party payments the noncustodial parent pays or expects to pay on behalf of the custodial parent. If the household fails or refuses to submit required verification, the CSSA shall determine the household's eligibility and allotment without consideration of the child support deduction.

3. The information obtained through the review shall be used to determine the household's deduction for the new certification period. If the deduction is based upon an average of the past payments and recent data is available from the Child Support Program (CSP) records, those records can be used as the basis for anticipating future payments. CSSAs are not required to conduct any month-by-month reconciliation of amounts reported by the household and CSP records. As the deduction will frequently be based on an average of past payments, the amount of the deduction might not compare exactly with the actual payments made. CSSAs are not required to use the information retrospectively to establish claims or provide restored benefits.

4. Information from CSP records is considered unverified upon receipt. If there is a discrepancy between information provided by the household and that obtained from CSP records, the CSSA shall give the household an opportunity to resolve the discrepancy.

(m) Rules concerning verification of educational expenses shall be as follows:

1. In order to exclude educational assistance, educational expenses shall be identified as such by the financial aid office of the educational institution.

2. An award letter from the school administering the educational assistance, which distinctly identifies anticipated educational expenses separate and apart from normal living expenses, shall be considered satisfactory verification for the purpose of determining countable student income. Additionally, an award letter or other document in which the "grantor" designates the funds for specific educational expenses shall be considered acceptable verification.

History

HISTORY:

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (h), added 6; and added (*l*) and (m).

Recodified from *N.J.A.C. 10:87-2.20* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section. Former *N.J.A.C. 10:87-2.19*, Interview process, recodified to *N.J.A.C. 10:87-2.18*.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

In (a), deleted "following" preceding "information" and substituted "NJ SNAP" for "food stamp"; in (c)1, substituted "CFR" for "C.F.R." and "USCIS" for "Bureau of Citizenship and Immigration Services (BCIS)"; in (c)4i, (c)6, (c)7, (c)8, (c)(9), (c)10 and (c)11, substituted "USCIS" for "BCIS" throughout; in (c)11, substituted "NJ SNAP benefits" for "food stamps" and "NJ SNAP program" for "Food Stamp Program"; in (f), substituted the first occurrence of "established" for the first occurrence of "accomplished" and "that" for "which", and inserted a comma preceding and a comma following the second occurrence of "such as" and a comma following "limited to", and inserted "shelter costs,"; and rewrote (h)1, (h)2i and (h)5.

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§ 10:87-2.20 Verification of questionable information

(a) The CSSA shall verify all other factors of eligibility not described at *N.J.A.C. 10:87-2.19* prior to certification only if they are questionable and affect the household's eligibility or benefit level. To be considered questionable, the information on the application must be inconsistent with statements made by the applicant, inconsistent with other information on the application or previous applications, or inconsistent with information received by the CSSA prior to certification. When determining if information is questionable, the CSSA shall base the decision on each household's individual circumstances. The fact that a household's expenses exceed its income may be grounds for a determination that further verification may be required. However, this fact shall not, in and of itself, be grounds for a denial. Additionally, these decisions shall not prescribe verification based on race, religion, ethnic background, or national origin, nor shall they target groups such as migrant workers or American Indians. The CSSA shall instead explore with the household how it is managing, whether or not the household receives excluded income or has resources, and how long the household has managed under these circumstances. Certain special procedures described in this section shall be followed when information concerning one of the following eligibility requirements is questionable.

(b) When a household's statement that one or more of its members is a U.S. citizen is questionable, the household shall be asked to provide acceptable verification. Acceptable forms of verification include birth certificates, religious records, voter registration cards, or certificates of citizenship or naturalization provided by BCIS, such as Identification Cards for Use of Resident Citizens in the U.S. (BCIS Form I-179 or BCIS Form I-197) or U.S. Passports.

1. Participation in the WFNJ/TANF program shall be considered acceptable verification of citizenship if verification was obtained for that household for eligibility in that program.

2. If the above forms of verification cannot be obtained and the household can provide a reasonable explanation as to why verification is not available, the CSSA shall accept a signed "Affidavit of Citizenship" from someone who is a U.S. citizen who declares, under penalty of perjury that the member in question is a U.S. citizen.

3. The member whose citizenship is in question shall be ineligible to participate until proof of United States citizenship is obtained. Until proof of United States citizenship

is obtained, the member whose citizenship is in question shall have his or her income, less a pro rate share, and all of his or her resources considered available to any remaining household members as set forth at *N.J.A.C. 10:87-7.7(c)*.

(c) A household which is applying for NJ SNAP benefits has the responsibility to report all facts regarding its individual circumstances. It is especially important to advise the household that it must report and verify expenses it is incurring, particularly expenses that might entitle it to NJ SNAP income deductions. Households have the right to waive the reporting of expenses that will result in a deduction by signing the NJ SNAP Income Deduction Waiver included on the application form. Deductible expenses shall be verified if questionable and if allowing the expense would actually result in a deduction. In accordance with *N.J.A.C. 10:87-5.10(a)*7iv(1) and (2), the CSSA shall verify that the household is entitled to a utility allowance.

1. Households which wish to claim shelter costs for a home that is unoccupied because of employment or training away from home, illness or abandonment caused by a natural disaster or casualty loss must provide verification of actual utility costs if the costs would result in a deduction. These households also are responsible for providing verification of any other shelter costs of the unoccupied home if the cost is questionable and it would result in a deduction. The CSSA is not required to assist the household in obtaining verification of this expense if the verification would have to be obtained from a source outside the county.

2. If a deductible expense must be verified and obtaining the verification may delay the household's certification, the CSSA shall advise the household that the household's eligibility and benefit level may be determined without providing a deduction for a claimed but unverified expense. Shelter costs would be computed without including the questionable and unverified components. The standard utility allowance shall be used if the household is entitled to claim it. If the expense cannot be verified within 30 days of the date of application, the CSSA shall determine the household's eligibility and benefit level without providing a deduction for the unverified expense.

3. If the household subsequently provides the missing verification, the CSSA shall redetermine the household's benefits, and provide increased benefits, if any in accordance with the timeliness standards on reported changes. The household shall be entitled to the restoration of any benefits lost as a result of the disallowance of the expense only if the expense could not be verified within the 30-day processing standard because the CSSA failed to allow the household sufficient time (as defined at *N.J.A.C. 10:87-2.27(c)* to verify the expense. If the household would be ineligible unless the expense is allowed, the household's application shall be handled as provided at *N.J.A.C. 10:87-2.26* and *2.27*.

(d) The CSSA shall verify liquid resources and whether or not moneys received by the household are loans whenever such items are questionable.

1. When verifying that income is exempt as a loan, a legally binding agreement is not required. A simple statement signed by both parties which indicates that the payment is a loan with an established repayment schedule shall be sufficient verification.

2. If the household receives payments on a recurrent or regular basis from the same source but claims the payments are loans, the CSSA may also require that the provider of the loan sign an affidavit which states that repayments are being made or that payments will be made in accordance with an established repayment schedule.

(e) These verification procedures shall be followed for those factors of eligibility which are needed solely for purposes of determining the household's eligibility for NJ SNAP benefits. For those factors of eligibility which are needed to determine both the WFNJ/TANF eligibility and NJ SNAP eligibility, the CSSA may use the WFNJ/TANF verification rules. However, the CSSA shall not delay the household's NJ SNAP benefits if, at the end of 30 days following the date the application was filed, the CSSA has sufficient verification to meet NJ SNAP verification requirements but does not have sufficient verification to meet the WFNJ/TANF verification rules.

1. The CSSAs shall check each household member by name through the ALFX file to verify that each individual is not already participating in the NJ SNAP program as part of another household. The ALFX file is an alphabetical listing, within the State's management information system, of the names of all individuals receiving WFNJ/TANF and NJ SNAP benefits in New Jersey. The ALFX file is available on computer terminal, and enables a worker to locate an individual's case record, when the case number is not known, by alphabetic cross-reference to all cases and recipients in the State.

History

HISTORY:

Amended by R.1979 d.459, effective January 1, 1980.

See: 12 N.J.R. 40(c).

(a): Added 4, renumbered 4-5 as 5-6; changed internal references to conform.

Amended by R.1981 d.97, effective April 9, 1981.

See: 13 N.J.R. 96(c), 13 N.J.R. 228(a).

(a)5iv deleted. Renumber (a)5v and vi as iv and v.

Amended by R.1983 d.72, effective February 28, 1983.

See: 15 N.J.R. 97(a), 15 N.J.R. 444(a).

Originally filed as an emergency adoption (R.1982 d.503) on December 30, 1982. Changes upon readoption were precipitated by emergency adoption (R.1983 d.38) filed on January 31, 1983. Readopted as R.1983 d.72. Language has been added to include specific additional verification requirements for household composition.

Amended by R.1983 d.223, effective May 31, 1983.

See: 15 N.J.R. 629(a), 15 N.J.R. 1033(a).

Originally adopted as an Emergency Rule, R.1983 d.116, eff. March 31, 1983, operative April 1, 1983. The amendment is pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

Treatment of ineligible alien's resources and income and ineligibility until citizenship established was added.

Amended by R.1984 d.19, effective February 6, 1984.

See: 15 N.J.R. 1821(a), 16 N.J.R. 246(a).

Reference made to INS Form I-181-B; restrictions on use of INS Form I-94 and other clarifications regarding reporting of items.

Amended by R.1985 d.346, effective July 1, 1985.

See: 17 N.J.R. 883(a), 17 N.J.R. 1659(a).

(a)10 added.

Correction: Deleted (a)iv and renumbered v and vi to iv and v.

See: 18 N.J.R. 2391(b).

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

Recodified from *N.J.A.C. 10:87-2.21*, subsections (a)-(j). *N.J.A.C. 10:87-2.20*, which was "Verification," was repealed. Old subsections (k)-(n) of *N.J.A.C. 10:87-2.21* recodified as new subsection 2.21, "Verification of questionable information." Revised rule by deleting (i) regarding questionable information and recodifying (j) to (i).

Deleted old (j)3 and text in old (j)2 regarding elderly or disabled individuals, and added new (j) and (k) on disability determinations.

Amended by R.1999 d.6, effective January 4, 1999.

See: *30 N.J.R. 3451(a)*, *31 N.J.R. 69(a)*.

In (b)1 and (e), substituted references to WFNJ/TANF for references to AFDC.

Recodified from *N.J.A.C. 10:87-2.21* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section. Former *N.J.A.C. 10:87-2.20*, Mandatory verification, recodified to *N.J.A.C. 10:87-2.19*.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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§ 10:87-2.21 Verification of Social Security and/or SSI using SDX/BENDEX

(a) The CSSA shall ensure that the required verifications are obtained prior to certification. If documentary evidence of Social Security and/or SSI benefits is not readily available from the applicant, the CSSA may verify the income through the Beneficiary Data Exchange (BENDEX) and/or the State Data Exchange (SDX). The CSSA shall not verify wages through use of the BENDEX.

(b) The CSSA may, however, use the BENDEX/SDX data to verify other NJ SNAP eligibility criteria provided the household is given an opportunity to verify the information from another source if the BENDEX/SDX information is contradictory to the household's information or is unavailable. However, determination of a household's eligibility and benefit level shall not be delayed beyond the application processing time standards (see *N.J.A.C. 10:87-2.26*), if the BENDEX/SDX data are unavailable.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Recodified from *N.J.A.C. 10:87-2.22* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (a), deleted the fourth sentence; in (b), amended the N.J.A.C. reference in the second sentence. Former *N.J.A.C. 10:87-2.21*, Verification of questionable information, recodified to *N.J.A.C. 10:87-2.20*.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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§ 10:87-2.22 Sources of verification

(a) The CSSA shall use documentary evidence as the primary source of verification. Documentary evidence is written confirmation of a household's circumstances. Examples of documentary evidence include wage stubs, rent receipts and utility bills. Acceptable verification shall not be limited to any single type of document and may be obtained through the household or other source. Where information from another source contradicts statements made by the household, the household shall be immediately afforded the opportunity to resolve the discrepancy. Whenever documentary evidence cannot be obtained, the CSSA shall use alternate sources of verification such as collateral contacts and home visits.

1. A collateral contact is a verbal confirmation of a household's circumstances by a person outside of the household. The collateral contact may be made either in person or over the telephone and shall be in accordance with *N.J.A.C. 10:87-2.30(a)*2. The acceptability of a collateral contact shall not be restricted to a particular individual but may be anyone who can be expected to provide an accurate third party verification of the household's statements. Examples of acceptable collateral contacts are employers, social service groups, migrant service agencies and neighbors of the household. Systems of records such as, but not limited to the SDX/BENDEX to which the CSSA has routine access are not considered collateral contacts and, therefore, need not be designated by the household.

i. Home visits shall be used as verification only if documentary evidence cannot be obtained and the visit is scheduled in advance with the household. Home visits are to be used on a case-by-case basis where the supplied documentation is insufficient to make a firm determination of eligibility or benefit level. Simply because a household fits a profile of an error-prone household does not constitute lack of verification.

(b) When information from another source contradicts statements made by the household, the household shall be afforded a reasonable opportunity to resolve the discrepancy prior to an eligibility determination.

(c) Responsibility for obtaining verification is as follows:

1. The household has primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information.

The CSSA shall assist the household in obtaining this verification provided the household is cooperating with the CSSA as specified at *N.J.A.C. 10:87-2.14*. Households may supply documentary evidence in person, through the mail, by data-fax, electronic data-transfer or through an authorized representative. However, the CSSA shall not require the household to personally present verification at the NJ SNAP office. The CSSA shall accept any reasonable documentary evidence provided by the household and shall be primarily concerned with how adequately the verification proves the statements on the application.

2. Whenever documentary evidence cannot be obtained, the CSSA shall substitute a collateral contact or a home visit. The CSSA shall rely on the household to provide the name of any collateral contact. The household may request assistance in designating a collateral contact. The CSSA is not required to use a collateral contact designated by the household if the collateral contact cannot be expected to provide an accurate third party verification. When the collateral contact designated by the household is unacceptable, the CSSA shall ask the household to designate another collateral contact. The CSSA is responsible for obtaining verification from acceptable collateral contacts.

3. The CSSA shall provide each household, at initial certification and recertification, with a Notice of Required Verification (Form NJ SNAP-33) if the household is required to provide information necessary to complete the certification process. That notice informs the household that the CSSA will assist the household in obtaining the needed verification if the household encounters difficulty, and that failure to secure the required information may affect the household's eligibility for NJ SNAP benefits.

History

HISTORY:

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

In (d)1: stylistic changes and clarification with reference to *N.J.A.C. 10:87-2.14*.

Amended by R.1991 d.247, effective May 6, 1991.

See: 23 N.J.R. 179(a), 23 N.J.R. 1412(b).

Added new (d)3.

Recodified from *N.J.A.C. 10:87-2.23* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Former *N.J.A.C. 10:87-2.22*, Verification of social security and/or SSI using SDX/BENDEX, recodified to *N.J.A.C. 10:87-2.21*. Rewrote the section.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-2.23

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§ 10:87-2.23 Documentation

Case records must be documented to support eligibility, ineligibility, and benefit level determinations. Documentation shall be in sufficient detail to permit a reviewer to determine the reasonableness and accuracy of the determination. Where verification was required to resolve questionable information, the CSSA shall document why the information was considered questionable and what documentation was used to resolve the questionable information. The CSSA shall also document the reason why an alternate source of verification, such as a collateral contact or home visit, was needed and the reason a collateral contact was rejected and an alternate source requested.

History

HISTORY:

Repealed by R.1981 d.316, effective September 10, 1981.

See: 13 N.J.R. 364(a), 13 N.J.R. 581(a).

New Rule R.1985 d.346, effective July 1, 1985.

See: 17 N.J.R. 883(a), 17 N.J.R. 1659(a).

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Old section ALFX file was repealed and this new section was recodified from 2.26.

Recodified from *N.J.A.C. 10:87-2.24* by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Former *N.J.A.C. 10:87-2.23*, Sources of verification, recodified to *N.J.A.C. 10:87-2.22*.

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N.J.A.C. 10:87-2.24

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§ 10:87-2.24 Verification subsequent to initial certification

(a) At recertification, the CSSA shall verify a change in income if the source has changed or the amount has changed by more than $ 50.00. Previously unreported medical expenses, actual utility expenses and total recurring medical expenses which have changed by more than $ 25.00, shall also be verified at recertification.

(b) The CSSA shall not verify income if the source has not changed and if the amount is unchanged or has changed by $ 50.00 or less, unless the information is incomplete, inaccurate, inconsistent or outdated. The CSSA shall also not verify total medical expenses, or actual utility expenses claimed by households which are unchanged or have changed by $ 25.00 or less, unless the information is incomplete, inconsistent, or outdated. Other information which has changed may be reverified at recertification. Unchanged information shall not be verified unless the information is incomplete, inconsistent, inaccurate, or outdated. Verification under this section shall be subject to the same verification procedures as apply to initial verification.

(c) Changes reported during the certification period shall be subject to the same verification procedures that apply at initial certification, except that the CSSA shall not verify changes in income if the source has not changed and if the amount has changed by $ 50.00 or less, unless the information is incomplete, inaccurate, inconsistent or outdated. The CSSA shall also not verify total medical expenses or actual utility expenses if the amount has changed by $ 25.00 or less, unless the information is incomplete, inconsistent, inaccurate, or outdated.

1. If the change reported is a change in household composition, the CSSA shall verify through the ALFX system and the Disqualified Recipient Subsystem (DRS) that no household member is participating in the NJ SNAP program as part of another household (see *N.J.A.C. 10:87-2.20(e)*).

(d) Newly obtained Social Security numbers shall be verified at recertification in accordance with verification procedures at *N.J.A.C. 10:87-2.19(h)*.

(e) The CSSA shall require a household eligible for the child support deduction to verify any changes in the legal obligation to pay child support, the obligated amount, and the amount of legally obligated child support a household member pays to a nonhousehold member. The CSSA shall verify reportedly unchanged child support information only if the information is inaccurate, inconsistent, or outdated.

History

HISTORY:

Amended by R.1979 d.459, effective January 1, 1980.

See: 12 N.J.R. 40(c).

Added medical expenses, clarified language, changed internal references to conform.

Amended by R.1985 d.346, effective July 1, 1985.

See: 17 N.J.R. 883(a), 17 N.J.R. 1659(a).

(a)2i added.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

Revised text to clarify when household must report changes in deductible expenses.

In (a): added language about medical expenses.

Revised text in (b) and deleted (b)1 regarding unchanged information.

In (c): added ". . . unless the information . . . outdated" to final sentence.

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

Added (e).

Recodified from *N.J.A.C. 10:87-2.28* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section. Former *N.J.A.C. 10:87-2.24*, Documentation, recodified to *N.J.A.C. 10:87-2.23*.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-2.25

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 87. NEW JERSEY SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (NJ SNAP) MANUAL > SUBCHAPTER 2. THE APPLICATION PROCESS

§ 10:87-2.25 Denial of the application

Households that are found to be ineligible shall be sent a notice of denial as soon as possible, but not later than 30 days following the date the application was filed. If the household had failed to appear for two scheduled interviews and has made no subsequent contact with the CSSA to express an interest in pursuing the application, the CSSA shall send the household a notice of denial on the 30th day following the date of application. The household shall file a new application, if it wishes to participate in the Program. In cases where the CSSA was able to conduct an interview and request all of the necessary verification on the same day the application was filed, and no subsequent requests for verification have been made, the CSSA may also deny the application on the 30th day if the CSSA provided assistance to the household in obtaining verification when required, as specified at *N.J.A.C. 10:87-2.22(c)*, but the household failed to provide the requested verification.

History

HISTORY:

New Rule, R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

Recodified from *N.J.A.C. 10:87-2.29* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Amended the N.J.A.C. reference in the fourth sentence. Former *N.J.A.C. 10:87-2.25* repealed.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

Updated the N.J.A.C. reference.

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§ 10:87-2.26 Normal processing standard

(a) The CSSA shall provide eligible households that submit a complete application an opportunity to participate as soon as possible, but not later than 30 calendar days after the application was filed. CSSAs are required to provide the applicant with a copy of an electronically filed application. An application is considered filed the day the appropriate NJ SNAP office receives the application containing the applicant's name and address and signed by either a responsible member of the household or the household's authorized representative. For SSI jointly processed households, the application shall be considered filed for normal processing purposes when the signed application is received by the SSA district office. For residents of public institutions who jointly apply for NJ SNAP benefits and SSI under SSA's Prerelease Program for the Institutionalized, the application shall be considered filed for normal processing purposes when the resident is released from the institution. Households entitled to expedited processing are specified at *N.J.A.C. 10:87-2.28*.

(b) An opportunity to participate consists of issuing benefits to the household's Families First account in accordance with any staggered issuance procedure that has been established by a CSSA. The Families First card is the standard method of distributing NJ SNAP program benefits, serving also to provide cash benefits for Temporary Assistance for Needy Families and Debt Reduction Act child support bonus payments to eligible households.

1. At the time that a CSSA certifies a household's eligibility to receive benefits, the State's automated case file and issuance system (also known as FAMIS), creates a Families First account on the Families First automated account network. A Families First card shall be made available to the household not later than 30 days after the application for NJ SNAP benefits, if eligible. The CSSA then contacts the household for an initial training session and the selection of a Personal Identification Number (PIN).

2. The replacement of NJ SNAP benefits or credit adjustments to NJ SNAP benefit accounts shall be carried out in accordance with *N.J.A.C. 10:87-9.8* and *9.9*.

3. The replacement of lost or misplaced Families First cards shall be carried out in accordance with *N.J.A.C. 10:87-9.10* and *10:88-6.2*.

(c) Determinations of eligibility shall be made in accordance with normal processing standards. For a household entitled to expedited processing as specified at *N.J.A.C. 10:87-2.30*, issuance of benefits shall be made in accordance with the following provisions:

1. If a household is found to be eligible for benefits and a reduction is in effect, the amount of benefits shall be calculated based on the reduction formula provided by DFD.

2. If a household is found to be eligible for benefits while a suspension or cancellation is in effect, no benefits shall be issued to the household until issuance is again authorized by DFD.

History

HISTORY:

Amended by R. 1980 d.117, effective March 19, 1980.

See: 11 N.J.R. 517(a), 12 N.J.R. 195(b).

Added (b)1.

Amended by R.1981, d.64, effective February 26, 1981.

See: 13 N.J.R. 226(b).

(c) added.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Changed "35" to "34".

Amended by R.1989 d.464, effective September 5, 1989.

See: 21 N.J.R. 1636(a), 21 N.J.R. 2790(a).

Date of application for applicants who are institutionalized is now the same as date of release from institution. ID card provided at initial issuance. Provision for replacement benefits added at (b)2.

Amended by R.1991 d.247, effective May 6, 1991.

See: 23 N.J.R. 179(a), 23 N.J.R. 1412(b).

In (b)1: changed "19th" to "15th" day. Added new (b)3.

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (b), inserted "either" following "with" and added ", or issuing benefits to the household's Families First account in accordance with any staggered issuance procedure which has been established by a CWA" at the end of the first sentence and substituted a reference to ATPs for a reference to benefits in the last sentence of the introductory paragraph, and rewrote 3.

Recodified from *N.J.A.C. 10:87-2.30* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section. Former *N.J.A.C. 10:87-2.26* repealed.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

In the introductory paragraph of (b), deleted the final sentence.

Administrative change.

See: *44 N.J.R. 1529(a)*.

Amended by R.2023 d.083, effective July 3, 2023.

See: *54 N.J.R. 2062(a)*, *55 N.J.R. 1335(a)*.

In the introductory paragraph of (b), substituted "that" for "which"; and in (b)1, deleted the fourth sentence.

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N.J.A.C. 10:87-2.27

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§ 10:87-2.27 Delays in processing

(a) If the CSSA does not determine a household's eligibility and provide an opportunity to participate within 30 days of the date the application was filed, the CSSA shall take action as indicated below.

(b) If the household has failed to appear for two scheduled interviews and has made no subsequent contact with the CSSA to express interest in pursuing the application, the CSSA shall send the household a notice of denial on the 30th day following the date of application. The household must file a new application if it wishes to participate in the program. See (c)5 below for households which express interest in pursuing the application after failing to appear for two scheduled interviews.

(c) The CSSA shall determine the cause of the delay. A delay shall be considered the fault of the household if the household has failed to complete the application process even though the CSSA has taken all the action required to assist the household. The CSSA must have taken the following actions before a delay can be considered the fault of the household:

1. For households which have failed to complete the application form, the CSSA must have offered, or attempted to offer, assistance in its completion.

2. If one or more members of the household have failed to register for work (as required at *N.J.A.C. 10:87-10.1*), the CSSA must have informed the household of the need to register for work and given the household at least 10 days from the date of notification to register those members.

3. In cases where verification is incomplete, the CSSA must have provided the household with a Notice of Required Verification (Form NJ SNAP-33), offered to assist the household in obtaining required verification, and allowed the household sufficient time to provide the missing verification.

4. Sufficient time to provide missing verification shall be at least 10 days from the date of the CSSA's initial request for the particular verification which was missing.

5. For households which have failed to appear for an interview, the CSSA must have attempted to reschedule the initial interview within 30 days of the date the application was filed.

i. If the household has failed to appear for the first interview and a subsequent interview is postponed at the household's request or cannot otherwise be rescheduled until after the 20th day but before the 30th day following the date the application was filed, the household must appear for the interview, bring verification and register members for work by the 30th day. Otherwise, the delay shall be the fault of the household.

ii. If the household has failed to appear for the first interview and a subsequent interview is postponed until after the 30th day following the date the application was filed, the delay shall be the fault of the household.

iii. If the household has missed both scheduled interviews and requests another interview, any delay shall be the fault of the household.

(d) Delays that are the fault of the CSSA include, but are not limited to those cases in which the CSSA failed to take one or more of the actions described in (c) above.

(e) If, by the 30th day, the CSSA cannot take any further action on the application due to the fault of the household, the household shall lose its entitlement to benefits for the month of application. The CSSA must have offered, or have attempted to offer, assistance in the completion of the application.

1. On the 30th day, the CSSA shall send a Notice of Denial to the household giving an additional 30 days to take the required action. Once the household takes the necessary action and submits the required information, the benefits will be prorated from the date the information is provided. If the household takes the required action within 60 days following the date that the application was filed, the CSSA shall reopen the case without requiring a new application. No further action by the CSSA is required after the Notice of Denial is sent if the household fails to take the required action within 60 days following the date the application was filed. That is, the case shall be closed and the household shall have the opportunity to reapply. The Notice of Denial shall include the following:

i. The action that the household must take to reactivate the application;

ii. That the case will be reopened without a new application if action is taken within 30 days of the date that the Notice of Denial was mailed;

iii. That the household must resubmit a new application if, at the end of the 30-day period, the household has not taken the needed action and wishes to participate in the program.

(f) Whenever a delay in the initial 30-day period is the fault of the CSSA, the CSSA shall take immediate corrective action. The CSSA shall not deny the application if it caused the delay but shall instead notify the household by the 30th day after the application was filed that the application is being held pending. The CSSA shall also notify the household of any action it must take to complete the application process.

1. If the household is found to be eligible during the second 30-day period, the household shall be entitled to benefits retroactive to the month of application. If, however, the household is found to be ineligible, the CSSA shall deny the application.

(g) The following procedures apply as appropriate when a delay occurs in the second 30-day period.

1. If the CSSA is at fault for not completing the application process by the end of the second 30-day period, and the case record is otherwise complete, the CSSA shall continue to process the original application until an eligibility determination is reached.

i. If the household is determined eligible, and the CSSA was at fault for the delay in initial 30-day period, the household shall receive benefits retroactive to the month of application.

ii. If the initial delay was the household's fault, the household shall receive benefits in the month following the month of application, retroactive to the date the information was received from the household. The CSSA shall use the original application to determine the household's eligibility in months following the 60-day period.

2. If the CSSA is at fault for not completing the application process by the end of the second 30-day period, but the case record is not sufficiently complete to reach an eligibility determination, the CSSA shall continue to process the original application. If the household is subsequently determined eligible, the procedure in (g)1i above shall be used to determine entitlement for retroactive benefits.

3. If the household is at fault for not completing the application process by the end of the second 30-day period, the CSSA shall deny the application and require the household to file a new application if it wishes to participate. The household shall not be entitled to any lost benefits even if the delay in the initial 30 days was the fault of the CSSA.

4. The CSSA shall not determine the household to be ineligible when a person outside of the household fails to cooperate with a request for verification. The CSSA shall not consider individuals identified at *N.J.A.C. 10:87-2.3(a)* and (c) as individuals outside of the household.

History

HISTORY:

Amended by R.1985 d.346, effective July 1, 1985.

See: 17 N.J.R. 883(a), 17 N.J.R. 1659(a).

(a)4ii and (a)6i(2) amended.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

In (c)3: added text to specify how CWA must assist households for which verification is incomplete.

Amended by R.1991 d.247, effective May 6, 1991.

See: 23 N.J.R. 179(a), 23 N.J.R. 1412(b).

In (e)2 and (g)1ii revised specific time frames.

Added new (g)4.

Amended by R.1993 d.62, effective February 1, 1993.

See: 24 N.J.R. 3207(b), 25 N.J.R. 584(a).

In (c)3, added the Notice of Required Verification Form.

Amended by R.1995 d.135, effective March 6, 1995.

See: 26 N.J.R. 4298(a), 27 N.J.R. 916(a).

Recodified from *N.J.A.C. 10:87-2.31* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section. Former *N.J.A.C. 10:87-2.27* repealed.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

In (c)3, substituted "NJ SNAP-33" for "FSP-33"; and in (g)1ii, substituted "in" for "retroactive to", and inserted ", retroactive to the date the information was received from the household".

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N.J.A.C. 10:87-2.28

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§ 10:87-2.28 Expedited service

(a) The following households are entitled to expedited service:

1. Households with less than $ 150.00 in monthly gross income, as computed at *N.J.A.C. 10:87-6.16* provided that the household's liquid resources (for example, cash on hand, checking or savings accounts, savings certificates and lump sum payments as described at *N.J.A.C. 10:87-5.9(a)*11) do not exceed $ 100.00;

2. Migrant or seasonal farmworker households who are destitute as defined in *N.J.A.C. 10:87-6.18* provided that the household's liquid resources (for example, cash on hand, checking or savings accounts, savings certificates and lump sum payments as described in *N.J.A.C. 10:87-5.9(a)*11) do not exceed $ 100.00; and

3. Eligible households whose combined monthly gross income and liquid resources are less than the household's monthly rent or mortgage and utilities. When the CSSA is determining the household's utility expenses for this purpose, it shall utilize the HCSUA as set forth at *N.J.A.C. 10:87-5.10(a)*7iv.

(b) The CSSAs application procedures shall be designed to identify households eligible for expedited service at the time of a request for NJ SNAP assistance. The household shall be prescreened for entitlement to expedited service. For example, a receptionist, volunteer or other agency employee shall screen applications as they are filed or as individuals come in to apply.

History

HISTORY:

Amended by R.1983 d.121, effective April 4, 1983.

See: 15 N.J.R. 247(a), 15 N.J.R. 625(b).

Originally adopted as an Emergency Rule, R.1983 d.38, eff. January 31, 1983. The amendment was pursuant to the Omnibus Budget Reconciliation Act of 1982 (P.L. 97-253) and the Food Stamp and Commodity Distribution Amendments of 1981 (P.L. 97-98, Title 13).

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (a), deleted a former 3, and recodified former 4 as 3 and added a second sentence.

Recodified from *N.J.A.C. 10:87-2.32* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (a)1, amended N.J.A.C. references throughout. Former *N.J.A.C. 10:87-2.28*, Verification subsequent to initial certification, recodified to *N.J.A.C. 10:87-2.24*.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

In (a)3, substituted "appropriate utility allowance as set forth at *N.J.A.C. 10:87-5.10(a)*7iv" for "Standard or Heating Utility Allowance at *N.J.A.C. 10:87-5.10(a)*, as appropriate", and "is able" for "elects".

Amended by R.2009 d.94, effective March 16, 2009.

See: *40 N.J.R. 5932(a)*, *41 N.J.R. 1245(b)*.

In (a)1 and (a)2, updated the N.J.A.C. references; and in (a)3, inserted "an" preceding "actual", substituted "expense" for the second occurrence of "expenses" and inserted the last sentence.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

Rewrote (a)3; and in (b), substituted "NJ SNAP" for "food stamp".

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§ 10:87-2.29 Expedited service processing standards

(a) For households entitled to expedited service, the CSSA shall make available to the recipient a NJ SNAP benefit not later than the seventh calendar day following the date an application was filed in the appropriate NJ SNAP office. For residents of public institutions who apply for SSI under SSA's Prerelease Program for the Institutionalized, expedited benefits shall be made available within seven calendar days following the date of the resident's release from the institution.

(b) For residents of substance abuse treatment and rehabilitation centers and residents of group living arrangements (see *N.J.A.C. 10:87-7.8(b)*3 and 7.9(c)3) who are entitled to expedited service, the CSSA shall make a benefit available to the recipient no later than the seventh calendar day following the date an application was filed.

(c) If a household is entitled to expedited service and is also entitled to a waiver of office interview (see *N.J.A.C. 10:87-2.18(e)*), the CSSA shall conduct the interview (unless the household cannot be reached) and complete the application process within the expedited service standards. The first day of this count is the calendar day following application filing.

1. If the application is not complete, and the CSSA conducts a telephone interview and must mail the application to the household for signature, the mailing time involved will not be counted toward the expedited service standards. Mailing time shall only include the days the application is in the mail to and from the household and the days the application is in the household's possession pending signature and mailing.

(d) If the prescreening required in this section fails to identify a household as being entitled to expedited service and the CSSA subsequently discovers that the household is entitled to expedited service, the CSSA shall provide such service within the processing standards above except that the processing standard shall be calculated from the date the CSSA discovers the household is eligible for expedited service.

(e) Residents of shelters for battered women and children who are otherwise entitled to expedited service shall be handled within the time limits specified in this section.

History

HISTORY:

As amended, R.1982, d.473, eff. January 3, 1983.

See: 14 N.J.R. 1037(a), 15 N.J.R. 34(a).

Residents of group living facilities added.

As amended, R.1983 d.121, eff. April 4, 1983.

See: 15 N.J.R. 247(a), 15 N.J.R. 625(b).

Originally adopted as an Emergency Rule, R.1983 d.38, eff. January 31, 1983. The amendment was pursuant to the Omnibus Budget Reconciliation Act of 1982 (P.L. 97-253) and the Food Stamp and Commodity Distribution Amendments of 1981 (P.L. 97-98, Title 13).

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Original section 2.33 "Identifying households needing expedited service" repealed and 2.34 recodified to 2.33 and substantially amended.

Amended by R.1989 d.464, effective September 5, 1989.

See: 21 N.J.R. 1636(a), 21 N.J.R. 2790(a).

Expedited benefits available to clients five days after release from institution.

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (a), substituted references to seven calendar days for references to five calendar days throughout, substituted a reference to food stamp benefits for a reference to ATP cards in the first sentence, and added "If an ATP is being issued," at the beginning of the last sentence.

Recodified from *N.J.A.C. 10:87-2.33* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section. Former *N.J.A.C. 10:87-2.29*, Denial of the application, recodified to *N.J.A.C. 10:87-2.25*.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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§ 10:87-2.30 Special procedures for expediting service

(a) The CSSA shall use the following procedures when expediting certification and issuance.

1. In order to expedite the certification process, the CSSA shall use the following verification procedures:

i. In all cases the applicant's identity shall be verified through a collateral contact or readily available documentary evidence:

(1) Examples of acceptable documentary evidence which the household may provide include, but are not limited to, a driver's license, work or school I.D. card, voter registration card, or birth certificate.

ii. All reasonable efforts shall be made to verify, within the expedited processing standards, the household's residency, income statements (including a statement that the household had no income), liquid resources, eligibility for the utility allowance and all other verification factors required at *N.J.A.C. 10:87-2.19* and *2.20* through collateral contacts or readily available documentary evidence:

(1) Benefits shall not be delayed beyond the delivery standards prescribed at *N.J.A.C. 10:87-2.29* solely because these eligibility factors have not been verified;

iii. CSSAs shall attempt to obtain as much additional verification as possible during the interview, but shall not delay the certification of households entitled to expedited service for the full time frame prescribed at *N.J.A.C. 10:87-2.29* when the CSSA has determined it is unlikely that other verification can be obtained within the expedited processing standards; and

iv. Households entitled to expedited service shall be asked to furnish or apply for a Social Security number for each household member before the first full month of participation. Those household members unable to provide the required SSNs or who do not have one prior to the first full month of participation shall be allowed to continue to participate only if they satisfy the good cause requirement specified at *N.J.A.C. 10:87-2.21*.

v. Migrant households determined eligible for expedited service after the 15th of the month and assigned a certification period of more than one month shall be notified in writing of the following:

(1) Postponed certification from sources within the state must be provided before the second full month's benefits will be issued.

(2) Postponed verification from out-of-state sources must be provided before the third full month's benefits will be issued.

vi. Migrant households shall be entitled to a postponement of out-of-State verification only once each season. If the household has already been granted a postponement of out-of-State verification, such verification may be postponed for the initial month's benefits only.

vii. If verification results in a change in the household's eligibility or benefit level, the CSSA shall act on the change without advance notice.

2. Once the household has supplied the name of a collateral contact or has asked the CSSA for assistance in locating one, the CSSA shall promptly contact the collateral contact or otherwise assist the household in obtaining the necessary verification. When speaking with a collateral contact, CSSAs shall disclose only pertinent information. The CSSA shall not state that the person is applying for or receiving NJ SNAP benefits, nor shall it volunteer household information or discuss any suspicion of wrong-doing.

3. Households which are certified on an expedited basis and have provided all necessary verification required at *N.J.A.C. 10:87-2.19* and *2.20* prior to certification shall be assigned an appropriate certification period (see *N.J.A.C. 10:87-6.20* and *6.21*). If verification is postponed, the CSSA shall certify these households for the month of application (the month of application and the subsequent month for those households applying after the 15th of the month) or, at the option of the CSSA, shall assign the appropriate certification period warranted by the household's circumstances. However, in no event shall benefits be continued past the month of application if verification is not obtained. Federally mandated reduction, suspension, or cancellation of allotments in a given month shall have no effect on the certification periods assigned to households.

i. If certified only for the month of application, the household must reapply and complete the verification requirements which were postponed.

ii. If a certification period longer than one month is assigned, the CSSA shall notify the household in writing that no further benefits will be issued until the postponed verification is completed and that if the postponed verification is not completed within 30 days of the date of application, the household's application will be denied. The notice shall also advise the household that if verification results in changes in the household's eligibility or level of benefits, the CSSA shall act on those changes without an advance notice of adverse action. When households which applied for benefits after the 15th of the month provide the postponed verification, the CSSA shall issue the second month's benefits within five working

days from receipt of the verification or the first of the second month, whichever is later.

iii. There is no limit to the number of times a household can be certified under expedited procedures, so long as prior to each expedited certification the household either completes the verification requirements which were postponed at the last expedited certification or was certified under normal processing standards since the last expedited certification.

iv. Households requesting, but not entitled to, expedited service shall have their applications processed according to normal standards.

4. Households eligible to receive expedited processing which apply for program benefits during a month in which a reduction, suspension, or cancellation is in effect, shall have their cases processed in accordance with the above procedures, subject to the following provisions:

i. Households which receive expedited service in a month in which a reduction is in effect and which are determined to be eligible, shall be issued allotments that are reduced in accordance with the reduction in effect. The reduced allotments shall be made available to the households within the time frame specified at *N.J.A.C. 10:87-2.29*.

ii. Households which receive expedited service in a month in which a suspension is in effect and that are determined to be eligible, shall have benefits issued within the time frame specified at *N.J.A.C. 10:87-2.29* unless the suspension is still in effect at the time issuance is to be made.

iii. Households eligible to receive expedited processing which apply for benefits during a month in which cancellation is in effect shall receive expedited service. However, the deadline for completing the processing of such cases shall be five days or the end of the month of application, whichever date is later. All other regulations pertaining to expedited service shall be applicable to these cases.

5. The CSSA shall at a minimum, require the applicant to register for work unless exempt.

i. The CSSA shall attempt to register other household members (including the head of household, if an authorized representative is making application) but shall postpone the registration of such household members if it cannot be accomplished within expedited processing standards. The CSSA may attempt registration of other household members by:

(1) Requesting the applicant (or authorized representative) complete the work registration forms for other household members to the best of his/her ability; or

(2) Accomplishing work registration for other household members in a timely manner through other means, such as contacting the household.

ii. The CSSA may attempt to verify questionable work registration exemptions, but such verification shall be postponed if expedited processing standards cannot be met.

History

HISTORY:

Amended by R.1981 d.64, effective February 26, 1981.

See: 13 N.J.R. 226(b).

(a)3: "February nondated . . . households" added.

(a)4 added.

As amended on an emergency basis, R.1981 d.398, eff. September 30, 1981 (Oper. October 1, 1981), exp. November 30, 1981.

See: 13 N.J.R. 769(a).

Readopted, R.1981 d.517, eff. December 31, 1981.

See: 13 N.J.R. 769(a), 14 N.J.R. 103(a).

(a)3: added "the CWA shall certify . . . 15th of the month or at" and "option of the";

(a)3ii: added "when households . . . whichever is later."

Amended by R.1983, d.121, effective April 4, 1983.

See: 15 N.J.R. 247(a), 15 N.J.R. 625(b).

Originally adopted as an Emergency Rule, R.1983 d.38, eff. January 31, 1983. The amendment was pursuant to the Omnibus Budget Reconciliation Act of 1982 (P.L. 97-253) and the Food Stamp and Commodity Distribution Amendments of 1981 (P.L. 97-98, Title 13).

Amended by R.1985 d.346, effective July 1, 1985.

See: 17 N.J.R. 883(a), 17 N.J.R. 1659(a).

(a)iv. through vii. added.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended and recodified from 2.35.

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

In (a)1.ii and (a)3, added "2.20" to *N.J.A.C. 10:87* reference.

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (a)1ii, inserted a reference to eligibility for utility allowances in the introductory paragraph.

Recodified from *N.J.A.C. 10:87-2.34* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section. Former *N.J.A.C. 10:87-2.30*, Normal processing standard, recodified to *N.J.A.C. 10:87-2.26*.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

In (a)3, substituted "an appropriate" for "a normal" preceding the first occurrence of "certification period" and "appropriate" for "normal" preceding the second occurrence of "certification period", and inserted "and 6.21" following the second N.J.A.C. reference.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

In the introductory paragraph of (a)1ii, substituted "the utility allowance" for "utility allowances,"; and in (a)2, substituted "NJ SNAP" for "food stamp".

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N.J.A.C. 10:87-2.31

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 57 No. 19, October 6, 2025

§ 10:87-2.31 WFNJ/TANF eligibility determination (PA households)

(a) Action on the NJ SNAP portion of the application shall not be delayed nor the application denied on the grounds that the WFNJ/TANF eligibility determination has not been made.

1. If the CSSA can anticipate the amount and date of the initial WFNJ/TANF grant, but the grant will not be received until a subsequent month, the CSSA shall vary the household's NJ SNAP benefit level according to the anticipated receipt of payment and notify the household.

2. Portions of initial WFNJ/TANF payments intended to retroactively cover a previous month shall be disregarded as income and considered as lump-sum payments in accordance with *N.J.A.C. 10:87-5.9(a)*13.

3. If the amount or date of receipt of the initial WFNJ/TANF payment cannot be reasonably anticipated at the time of NJ SNAP eligibility determination, the WFNJ/TANF payments shall be treated as a change in circumstances.

4. The CSSA is not required to send a notice of adverse action if the receipt of the WFNJ/TANF grant reduces or terminates the household's NJ SNAP benefits, provided the household is notified in advance that its benefits may be reduced or terminated when the grant is received.

5. A household whose WFNJ/TANF application is denied shall not be required to file a new NJ SNAP application but shall have its NJ SNAP eligibility determined or continued on the basis of the original application filed jointly for WFNJ/TANF and NJ SNAP purposes and any other documented information obtained subsequent to the application which may have been used in the PA determination and which is relevant to NJ SNAP eligibility or level of benefits.

History

HISTORY:

Amended by R.1981 d.97, effective April 9, 1981.

See: 13 N.J.R. 96(c), 13 N.J.R. 228(a).

(a)2: *N.J.A.C. 10:87-5.9(a)*10 was (a)9.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Recodified with amendments from 2.36.

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

In (a)5: added text "filed jointly . . . purposes" regarding applications.

Amended by R.1999 d.6, effective January 4, 1999.

See: *30 N.J.R. 3451(a)*, *31 N.J.R. 69(a)*.

In (a), substituted references to WFNJ/TANF for references to AFDC throughout.

Recodified from *N.J.A.C. 10:87-2.35* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Deleted the introductory phrases throughout; in (a)2, amended the N.J.A.C. reference. Former *N.J.A.C. 10:87-2.31*, Delays in processing, recodified to *N.J.A.C. 10:87-2.27*.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

In (a)2, inserted "income and considered as".

Administrative change.

See: *44 N.J.R. 1529(a)*.

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§ 10:87-2.32 Categorically eligible WFNJ/TANF/SSI households

(a) Any household, except those listed at (c) below, in which all members are authorized to receive WFNJ/TANF/SSI benefits shall be considered categorically eligible for the NJ SNAP program, unless the household is institutionalized or disqualified for any reason from receiving NJ SNAP benefits. This includes the following households: those in which all members receive or are authorized to receive cash through a public assistance program funded in full or in part with Federal Title IV-A or New Jersey State money counted as Maintenance of Effort (MOE) purposes; those in which all members receive or are authorized to receive non-cash or in-kind benefits, funded with more than 50 percent State money counted as MOE or Federal money pursuant to Title IV-A designed to forward purposes one and two of the TANF block grant; and those in which all members receive or are authorized to receive non-cash or in-kind benefits, funded with more than 50 percent State money designed to forward purposes three and four of the TANF block grant, and requires participants to have a gross monthly income at or below 200 percent of the Federal poverty level.

1. Residents of public institutions applying jointly for SSI and NJ SNAP benefits shall not be categorically eligible upon a finding by the Social Security Administration (SSA) of potential SSI eligibility prior to release. Those individuals shall be considered categorically eligible when a final SSI eligibility has been made and the individual has been released from the institution.

2. "Authorized to receive" means that an individual is considered a recipient if he or she has been determined eligible for WFNJ/TANF/SSI, but, is not receiving a money payment, chooses not to receive a money payment, or, is not currently entitled to a money payment.

3. Categorically eligible recipients shall include those persons determined eligible to receive WFNJ/TANF/SSI but currently not entitled to cash benefits; that is, persons whose benefits are being recovered and/or suspended subject to retrospective budgeting when the household is temporarily ineligible in a prior budget month, and WFNJ/TANF recipients whose benefits are less than $ 10.00 and are therefore not payable.

4. A household containing a member who is suspended from SSI for noncompliance with substance abuse treatment requirements shall not be categorically eligible for NJ

SNAP benefits. The household's NJ SNAP eligibility would be calculated without including any SSI benefit as income for the suspended individual. (SSI installments are not issued during the suspension period.) The household cannot be considered categorically eligible as SSI recipients again until that individual either ends his or her suspension, resumes receipt of SSI or leaves the household.

(b) For any household that is otherwise categorically eligible, no person shall be included as a member of that household if that person fits any of the following categories:

1. An ineligible alien as defined at *N.J.A.C. 10:87-3.9*;

2. An ineligible student as defined at *N.J.A.C. 10:87-2.3(a)*2;

3. Institutionalized in a non-exempt facility (see *N.J.A.C. 10:87-2.4*);

4. Ineligible because of failure to comply with a work requirement of *N.J.A.C. 10:87-10.1*; or

5. When determining benefit levels for households containing ineligible individuals, the income and resources of such ineligible members shall be treated in accordance with procedures at *N.J.A.C. 10:87-7.7*.

(c) No household shall be considered categorically eligible for NJ SNAP benefits if any member of that household is disqualified for the following reasons:

1. An intentional program violation (see N.J.A.C. 10:87-11); or

2. Such households are subject to all NJ SNAP eligibility criteria and benefit determination provisions and cannot be reinstated in the Program on the basis of categorical eligibility provisions.

(d) The factors that are deemed for NJ SNAP eligibility without the verification required at *N.J.A.C. 10:87-2.19* and *2.20* because of WFNJ/TANF/SSI status are the following:

1. Gross and net income limits;

2. Resource limits;

3. Social Security number information;

4. Sponsored alien information; and

5. Residency.

(e) If any of the following factors are questionable, the CSSA shall verify, in accordance with *N.J.A.C. 10:87-2.20*, that the household, which is considered categorically eligible contains the following:

1. Meets the definition of a household in accordance with *N.J.A.C. 10:87-2.2*;

2. Includes all persons who purchase and prepare food together in one NJ SNAP household regardless of whether or not they are separate units for WFNJ/TANF or SSI purposes; and

3. Includes no person disqualified as specified in (c) above (see also *N.J.A.C. 10:87-10.1* and *11.2*).

(f) The exemptions concerning work registration in the NJ SNAP ETP shall be applied to individuals in categorically eligible households. Individuals(s) not exempt from work registration shall be subject to work requirements contained at *N.J.A.C. 10:87-10.1*.

(g) Households in which all members are applying for WFNJ/TANF/SSI shall be allowed to apply for NJ SNAP benefits at the same time they apply for WFNJ/TANF/SSI benefits. Such households' NJ SNAP eligibility and benefit level shall be based on NJ SNAP eligibility criteria. Households, whether jointly processed and/or eligible because of their WFNJ/TANF/SSI status, shall be certified in accordance with the notice, procedural and timeliness requirements at *N.J.A.C. 10:87-2.25* through *2.33*. The otherwise eligible household is not subject to the processing requirement of any other assistance program as a condition of NJ SNAP program eligibility.

(h) Households applying for both WFNJ/TANF and NJ SNAP benefits shall complete a joint application for both programs. The joint application shall clearly indicate those particular questions that need to be answered relevant to the NJ SNAP program and that the household is subject to the criminal penalties of both programs for making false statements.

(i) For households applying for both WFNJ/TANF cash assistance and NJ SNAP benefits, the verification procedures described at *N.J.A.C. 10:87-2.19* and *2.20* shall be followed for those factors of eligibility which are needed solely for purposes of determining the household's eligibility for NJ SNAP benefits. For those factors of eligibility that are needed to determine both WFNJ/TANF cash assistance eligibility and NJ SNAP benefit eligibility, the CSSA may use the WFNJ/TANF cash assistance verification rules.

1. However, the CSSA shall not delay the household's NJ SNAP benefits if, at the end of 30 days following the date the application was filed, the CSSA has sufficient verification to meet the NJ SNAP verification requirements, but insufficient verification to meet the WFNJ/TANF verification rules.

(j) In order to determine if a household will be eligible due to its status as a recipient WFNJ/TANF/SSI household, the CSSA may temporarily postpone, within the 30-day processing standard, the NJ SNAP eligibility determination, if the household is not entitled to expedited service and appears to be categorically eligible. However, the CSSA shall postpone denying a potentially categorically eligible household until the 30th day, in the event that the household is determined eligible to receive WFNJ/TANF/SSI benefits.

1. Once the WFNJ/TANF/SSI application is approved, the household is to be considered categorically eligible if it meets all categorical eligibility criteria.

2. If the CSSA can anticipate the amount and the date of receipt of the initial WFNJ/TANF/SSI payment, but the payment will not be received until a subsequent month, the CSSA shall vary the household's NJ SNAP benefit level according to the anticipated receipt of the payment and notify the household. Portions of initial WFNJ/TANF/SSI payments intended to retroactively cover a previous month shall be disregarded as lump sum payments.

3. If the amount or date of receipt of the initial WFNJ/TANF/SSI payment cannot be reasonably anticipated at the time of the NJ SNAP eligibility determination, the WFNJ/TANF/SSI payments shall be handled as a change in circumstances.

(k) The CSSA is not required to send a notice of adverse action if the receipt of the WFNJ/TANF/SSI grant reduces, suspends or terminates the household's NJ SNAP benefits, provided the household is notified in advance that its benefits may be reduced, suspended or terminated when the grant is received. The case may be terminated if the household is not categorically eligible.

(l) The CSSA shall ensure that a denied application of a potentially categorically eligible household is easily retrievable, in the event that the household is subsequently found to be categorically eligible.

(m) For a household filing a joint application for NJ SNAP and WFNJ/TANF/SSI benefits, or a household that has an WFNJ/TANF/SSI application pending and is denied NJ SNAP benefits, but is later determined eligible to receive WFNJ/TANF/SSI benefits and is otherwise categorically eligible, the CSSA shall provide benefits using the original application and any other pertinent information occurring subsequent to that application, except for residents of public institutions who apply for WFNJ/TANF/SSI benefits prior to their release from the public institution. Benefits shall be paid from the beginning of the period for which WFNJ/TANF/SSI benefits are paid or the original NJ SNAP application date, whichever is later.

1. The CSSA shall not reinterview the household, but shall use any available information to update the application and/or make mail or phone contact with the household or authorized representative to determine any changes in circumstances. Changes shall be initialed and the updated application resigned by the authorized representative or household member.

(n) Any household determined WFNJ/TANF/SSI eligible that is categorically eligible within the 30-day NJ SNAP processing time shall be provided benefits in accordance with *N.J.A.C. 10:87-2.26*. Benefits shall be prorated in accordance with current procedures at *N.J.A.C. 10:87-12.5*. However, no NJ SNAP benefits shall be paid for a month in which such household is ineligible for receipt of WFNJ/TANF/SSI benefits, unless the household is eligible as an NPA case.

(o) Households that file joint applications that are found categorically eligible after being denied NPA NJ SNAP benefits shall have their allotment for the initial month prorated from the date from which the PA benefits are payable or the date of the original NJ SNAP application, whichever is later.

(p) The CSSA shall act on reevaluating the original application either at the household's request or when it becomes otherwise aware of the household's WFNJ/TANF and/or SSI eligibility. The household shall be informed on the notice of denial to notify the CSSA if its WFNJ/TANF or SSI benefits are approved. Households who file joint applications for NJ SNAP and WFNJ/TANF/SSI benefits and are subsequently denied may be required to file a new NJ SNAP application or have their NJ SNAP eligibility determined or continued on the basis of the original applications.

(q) The CSSA shall notify households of the need for a new application. If a required new application is filed within 30 days of the original application, the filing date of the new application shall be the filing date of the original joint application.

(r) Households whose WFNJ/TANF/SSI applications are denied shall not be required to file a new NJ SNAP application, but shall have their NJ SNAP eligibility determined or continued on the basis of the original applications. The CSSA may, in evaluating NJ SNAP eligibility or benefit levels, use any other documented information obtained subsequent to the application, which may have been used in the WFNJ/TANF/SSI determination.

(s) Categorical eligibility shall be assumed at recertification in the absence of a timely WFNJ/TANF redetermination. If a recertified household is subsequently terminated from WFNJ/TANF benefits, the procedures at *N.J.A.C. 10:87-2.35* or *9.5* shall be followed, as appropriate.

History

HISTORY:

New rule R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Amended by R.1989 d.464, effective September 5, 1989.

See: 21 N.J.R. 1636(a), 21 N.J.R. 2790(a).

Cross-reference to *N.J.A.C. 10:87-2.30* added.

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

Stylistic and structural changes throughout to conform with Federal regulations regarding eligibility for food stamp benefits of AFDC and SSI recipient households.

Added new (a)1 and renumbered 1-3 as 2-4, with no change in text.

Added head of household text at (c)3.

Added new provision at (*o*) regarding ineligibility status of AFDC/SSI recipients.

Added new (s) and (t).

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (a), substituted a reference to WFNJ for a reference to AFDC in the introductory paragraph, and added 5.

Amended by R.1999 d.6, effective January 4, 1999.

See: *30 N.J.R. 3451(a)*, *31 N.J.R. 69(a)*.

Substituted references to WFNJ/TANF for references to AFDC throughout; in (a), rewrote 4; and in (c), deleted a former 2, and recodified former 3 and 4 as 2 and 3.

Amended by R.1983 d.121, effective April 4, 1983.

See: 15 N.J.R. 247(a), 15 N.J.R. 625(b).

Originally adopted as an Emergency Rule, R.1983 d.38, eff. January 31, 1983. The amendment was pursuant to the Omnibus Budget Reconciliation Act of 1982 (P.L. 97-253) and the Food Stamp and Commodity Distribution Amendments of 1981 (P.L. 97-98, Title 13).

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (a), deleted a former 3, and recodified former 4 as 3 and added a second sentence.

Recodified from *N.J.A.C. 10:87-2.36* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section. Former *N.J.A.C. 10:87-2.32*, Expedited service, recodified to *N.J.A.C. 10:87-2.28*.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

In (a), substituted "food stamp benefits" for "food stamps", and deleted "Not included are:" from the end; in (a)2, inserted quotation marks around "Authorized to receive", substituted ", but, is not receiving a money payment, chooses not to receive a money payment," for "but has not yet received", and deleted the comma following "entitled to"; in (a)4, substituted "food stamp benefits" for "food stamps"; in (b)2, deleted "or" from the end; added new (b)4; recodified existing (b)4 as (b)5; rewrote (c)2; in (h), substituted "food stamp benefits" for "food stamps"; in (i), substituted "food stamp benefits" for "food stamps" twice, and inserted "benefit" preceding "eligibility"; in (m), substituted "food stamp" for "food stamps" following "joint application for" and "food stamp benefits" for "food stamps"; in (*o*), substituted "food stamp benefits" for "food stamps", and substituted "allotment" for "benefits"; and in (p), substituted "food stamp" for "food stamps" following "joint application for", and inserted "benefits".

Amended by R.2009 d.94, effective March 16, 2009.

See: *40 N.J.R. 5932(a)*, *41 N.J.R. 1245(b)*.

Added (a)5.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

Substituted "NJ SNAP" for "food stamp" throughout; in the introductory paragraph of (a), substituted "NJ SNAP program" for "Food Stamp Program"; in (a)4, deleted a comma following

the final occurrence of "SSI"; in (c)1, substituted "); or" for ".1 et seq.);"; deleted former (a)2; recodified (a)3 as (a)2; in the introductory paragraph of (d) and (i) and in (h) and (n), substituted "that" for "which"; in (e)3, deleted "10:87-" preceding "11.2"; in (f), substituted "NJ SNAP ETP" for "food stamp employment and training program"; in (j)3, inserted "of" following "date"; and in (k), deleted a comma following "suspended".

Amended by R.2025 d.108, effective September 15, 2025.

See: *57 N.J.R. 647(a)*, *57 N.J.R. 2267(a)*.

In the introductory paragraph of (a), substituted the first occurrence of "at" for the first occurrence of "in" and "pursuant to" for "under"; and deleted (a)5.

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§ 10:87-2.33 Procedures for SSI jointly processed households

(a) Supplemental Security Income (SSI) is defined as Federal SSI payments made under Title XVI of the Social Security Act, federally administered optional supplementary payments under section 1616 of that Act, or federally administered mandatory supplementary payments made under section 212(a) of Public Law 93-66. Households may apply and be certified for NJ SNAP benefits in accordance with the procedures described herein and with the notice, procedural and timeliness requirements of the Food Stamp Act.

1. Households applying simultaneously for SSI and NJ SNAP benefits shall be eligible to receive benefits based solely on NJ SNAP eligibility criteria until the household is considered categorically eligible. Households denied NPA NJ SNAP benefits that have an SSI application pending shall be informed on the notice of denial of the possibility of categorical eligibility should they become SSI recipients.

(b) The Social Security Administration District Office (SSA/DO) will inform households eligible for SSI joint processing (see *N.J.A.C. 10:87-2.12(a)*3) of their right to apply for NJ SNAP benefits at the SSA/DO without going to the NJ SNAP office and will refer all other households to the appropriate NJ SNAP office. The SSA/DO will accept and complete the NJ SNAP Application received from households eligible for SSI joint processing and forward them within one working day to the appropriate CSSA. Along with the NJ SNAP Application, the SSA/DO will forward a Social Security Administration Transmittal for NJ SNAP Application (Form SSA-4233) which documents all verification obtained by the SSA employee.

1. During a telephone interview, if the SSA/DO takes an initial or redetermination application for SSI, an NJ SNAP Application will also be completed. In these cases an NJ SNAP Application will be mailed to the claimant for signature to be returned to the SSA/DO or CSSA. The SSA/DO will then forward any NJ SNAP application it receives to the appropriate NJ SNAP office. The CSSA may not require the household to be interviewed again in the NJ SNAP office (see *N.J.A.C. 10:87-2.22(d)*1). SSI recipients who are redetermined for SSI by mail will be sent a notice informing them of their right to file an NJ SNAP application at the SSA/DO or their local NJ SNAP office and have an out-of-office interview performed by the CSSA if the household is unable to appoint an authorized representative.

2. The SSA/DO will prescreen all applications for entitlement to expedited service on the day received, and will mark "Expedited Processing" on the SSA-4233 for all households which appear to be so entitled. The SSA/DO will inform such households that benefits may be issued a few days sooner if they apply directly at the NJ SNAP office. The household may take the application from the SSA/DO to the NJ SNAP office for screening and interview, and processing of the application.

3. Residents of public institutions who apply for SSI under SSA's Prerelease Program for the Institutionalized may complete a joint application for SSI/NJ SNAP prior to release from the institution, and are subject to the same provisions applicable to all other jointly processed SSI households, with the following exceptions:

i. The 30-day processing standard described at *N.J.A.C. 10:87-2.26* to deliver benefits to a prerelease applicant shall be based upon the date the individual is released from the institution, rather than the date the application is filed at the CSSA.

ii. A prerelease applicant who is entitled to expedited service shall be provided NJ SNAP benefits no later than the seventh calendar day following the date of release from the institution.

iii. A prerelease applicant's benefit level for the initial month of certification shall be based on the day of the month the resident is released from the institution.

(c) Jointly processed SSI households which have received an NJ SNAP notice of expiration (Form NJ SNAP-907A) and who appear at an SSA/DO for an SSI redetermination shall be entitled to make a timely application for NJ SNAP recertification at the SSA/DO office.

(d) The CSSA receiving NJ SNAP applications from SSA for SSI households are required to determine if any member of the SSI household is currently participating in the NJ SNAP program.

(e) The CSSA shall ensure that information required at *N.J.A.C. 10:87-2.19*, *2.20*, and *2.21* is verified prior to certification for households initially applying for NJ SNAP benefits. Households shall be provided the opportunity to provide verification from another source if all necessary SSI benefit payment information is not available on/through the State Data Exchange (SDX) or Beneficiary Data Exchange (BENDEX) (see *N.J.A.C. 10:87-2.21*).

(f) Households identified as categorically eligible where all members of the household receive SSI and where such households require expedited service shall be handled in accordance with the provisions at *N.J.A.C. 10:87-2.30*.

(g) An applicant or recipient of social security benefits under Title II of the Social Security Act shall be informed by the SSA/DO of the availability of benefits and an application at the SSA office. Interviews and application processing is not required by the SSA/DO unless an eligibility worker has been outstationed at the SSA office.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1989 d.464, effective September 5, 1989.

See: 21 N.J.R. 1636(a), 21 N.J.R. 2790(a).

Provisions for applicants who are residents of public institutions added at (b)3.

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

Stylistic changes in (f).

Amended by R.1999 d.6, effective January 4, 1999.

See: *30 N.J.R. 3451(a)*, *31 N.J.R. 69(a)*.

In (b), substituted references to FSP 901 for references to FSP 901A in the introductory paragraph and 1.

Recodified from *N.J.A.C. 10:87-2.37* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section. Former *N.J.A.C. 10:87-2.33*, Expedited service processing standards, recodified to *N.J.A.C. 10:87-2.29*.

Administrative change and correction.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-2.34

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 87. NEW JERSEY SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (NJ SNAP) MANUAL > SUBCHAPTER 2. THE APPLICATION PROCESS

§ 10:87-2.34 Elderly or disabled household members

(a) An elderly or disabled member of an NJ SNAP household is defined as a member who:

1. Is 60 years of age or older;

2. Receives supplemental security income benefits under Title XVI of the Social Security Act or disability or blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act;

3. Receives federally or State-administered supplemental benefits under section 1616(a) of the Social Security Act, provided that the eligibility to receive the benefits is based upon the disability or blindness criteria used under Title XVI of the Social Security Act;

4. Receives federally or State-administered supplemental benefits under section 212(a) of P.L. 93-66;

5. Receives disability retirement benefits from a governmental agency because of a disability considered permanent under section 221(i) of the Social Security Act;

6. Is a veteran with service-connected or non-service-connected disability rated by the Veteran's Administration (VA) as total or paid as total by the VA under Title 38 of the United States Code;

7. Is a veteran considered by the VA to be in need of regular aid and attendance or permanently housebound under Title 38 of the United States Code;

8. Is a surviving spouse of a veteran and considered by the DVA to be in need of regular aid and attendance or permanently housebound or a surviving child of a veteran and considered by the VA to be permanently incapable of self-support under Title 38 of the United States Code;

9. Is a surviving spouse or surviving child of a veteran and considered by the VA to be entitled to compensation for a service-connected death or pension benefits for a nonservice-connected death under Title 38 of the United States Code and has a disability considered permanent under section 221(i) of the Social Security Act. "Entitled" as used in this definition refers to those veterans' surviving spouses and

surviving children who are receiving the compensation or pension benefits stated or have been approved for such payments, but are not yet receiving them;

10. Receives an annuity payment under section 2(a)(1)(iv) of the Railroad Retirement Act of 1974 and is determined to be eligible to receive Medicare by the Railroad Retirement Board; or section 2(a)(1)(v) of the Railroad Retirement Act of 1974 and is determined to be disabled, based upon the criteria used under Title XVI of the Social Security Act; or

11. Receives medical assistance benefits as a disabled individual under:

i. Medicaid Only (Aged, Blind, and Disabled);

ii. AIDS Community Care Alternatives Program;

iii. Community Care Program for the Elderly and Disabled;

iv. Model Waivers I, II, or III (Medicaid Community/Home Care Waivers);

v. Home Care Expansion Program;

vi. Medically-Needy Program; or

vii. New Jersey Care Program.

(b) A pilot project is established to provide outreach efforts to assist elderly New Jersey residents receiving Supplemental Security Income (SSI) to make it easier to access and to apply for NJ SNAP benefits. The name of the pilot is the Simplified Nutritional Assistance for Seniors (SNAS) program. Eligibility criteria for the SNAS program is as follows:

1. The individual is receiving SSI and is:

i. Age 65 or older;

ii. Not currently receiving NJ SNAP benefits;

iii. Living alone;

iv. Not in receipt of earned income; and

v. A New Jersey resident; and

2. CSSAs will access a quarterly report from iACquire, which will identify SSI residents of their county who meet SNAS eligibility criteria. The CSSAs shall be responsible for mailing a simplified application form with a return envelope to those SSI recipients in their county.

i. Interested applicants will mail the signed application back to the originating CSSA.

ii. Applicants who do not wish to participate will be directed to check off a specific box on the cover letter stating that they do not wish to enroll in SNAS.

iii. Applications will be processed without a face-to-face or telephone interview.

iv. SNAS cases will not be expedited and will be certified for 24 months.

v. SNAS recipients will be mailed a new application form in the 23rd month, which will notify the household that their benefits will stop if the form is not returned by the 24th month.

vi. There is no proration of benefits in SNAS.

vii. SNAS project cases will receive a monthly benefit allotment.

viii. SNAS recipients may opt out of SNAS and may apply for NJ SNAP benefits under the application project for the regular NJ SNAP program.

History

HISTORY:

R.1983 d.72, eff. February 28, 1983.

See: 15 N.J.R. 247(a), 15 N.J.R. 444(a).

Originally filed as an emergency adoption (R.1983 d.38) on February 22, 1983. Readopted as R.1983 d.72.

Amended by R.1985 d.707, effective January 21, 1986 (operative February 1, 1986).

See: 17 N.J.R. 2521(b), 18 N.J.R. 193(b).

Deleted "Licenses" and substituted "Is certified for".

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Repealed old text and substituted new.

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

Stylistic revisions and added new (a)11.

Recodified from *N.J.A.C. 10:87-2.38* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Former *N.J.A.C. 10:87-2.34*, Special procedures for expediting service, recodified to *N.J.A.C. 10:87-2.30*.

Amended by R.2009 d.94, effective March 16, 2009.

See: *40 N.J.R. 5932(a)*, *41 N.J.R. 1245(b)*.

Added (b).

Administrative change.

See: *44 N.J.R. 1529(a)*.

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§ 10:87-2.35 Categorically eligible WFNJ/GA households

(a) Any household, except those listed in (c) below, in which all members are authorized to receive WFNJ/GA cash benefits shall be considered categorically eligible for the NJ SNAP program. Households comprised entirely of those recipients, as specified at *N.J.A.C. 10:87-2.32*, shall be categorically eligible for NJ SNAP benefits.

(b) No individual shall be included as a member of an otherwise categorically eligible WFNJ/GA household if that individual is:

1. An ineligible alien, as defined at *N.J.A.C. 10:87-3.9*;

2. A student that does not meet the criteria at *N.J.A.C. 10:87-3.14*;

3. Disqualified for failure to provide or apply for a Social Security Number, as required by *N.J.A.C. 10:87-3.15*;

4. Disqualified for failure to comply with a work registration requirement;

5. Disqualified for Intentional Program Violation; or

6. A resident of a non-exempt institution.

(c) A household shall not be considered as WFNJ/GA categorically eligible if:

1. It refuses to cooperate in providing information to the CSSA which is necessary for making a determination of its eligibility or for completing any subsequent review of its eligibility;

2. The household is ineligible under the striker provisions; or

3. The household is ineligible because it knowingly transferred resources for the purpose of qualifying or attempting to qualify for the NJ SNAP program.

(d) In determining whether a household is categorically eligible, the CSSA shall verify that each member receives WFNJ/TANF, SSI, or WFNJ/GA benefits, and that it includes no individuals who have been disqualified as described at (b) above. The CSSA shall also verify household composition if it is questionable in order to determine that the household meets the definition of a household at *N.J.A.C. 10:87-2.2*.

(e) When determining the eligibility of a WFNJ/GA categorically eligible household, all NJ SNAP program requirements shall apply except the following:

1. None of the provisions at N.J.A.C. 10:87-4, Financial Eligibility: Resources, apply to categorically eligible households, with the exception of *N.J.A.C. 10:87-4.1(b)* (categorical eligible provision) and 4.14 through 4.19 (transfer of resources). The provision at *N.J.A.C. 10:87-6.8* shall not be applied to categorically eligible households;

2. With the exception of *N.J.A.C. 10:87-5.1(b)*, none of the provisions of *N.J.A.C. 10:87-5.1* (gross and net income limits) apply to categorically eligible households;

3. The CSSA shall deny the application of a household which is otherwise program eligible, but is entitled to no benefit because its net income results in a calculation of zero benefit; and

4. Sponsored alien information, which otherwise is required at *N.J.A.C. 10:87-2.19(c)* and *7.11*.

History

HISTORY:

New Rule, R.1993 d.62, effective February 1, 1993.

See: 24 N.J.R. 3207(b), 25 N.J.R. 584(a).

Amended by R.1999 d.6, effective January 4, 1999.

See: *30 N.J.R. 3451(a)*, *31 N.J.R. 69(a)*.

Substituted references to WFNJ/GA for references to GA throughout; and in (a) and (d), substituted references to WFNJ/TANF for references to AFDC.

Recodified from *N.J.A.C. 10:87-2.39* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section. Former *N.J.A.C. 10:87-2.35*, WFNJ/TANF eligibility determination (PA households), recodified to *N.J.A.C. 10:87-2.31*.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

In (b)4, substituted "Disqualified" for "A household member not the household head, disqualified"; deleted (c)2; and recodified (c)3 through (c)4 as (c)2 through (c)3.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

In (a), (c)3, and the introductory paragraph of (e), substituted "NJ SNAP program" for "Food Stamp Program"; and in (a), inserted "cash", and substituted "NJ SNAP" for "food stamp".

§ 10:87-2.35 Categorically eligible WFNJ/GA households

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N.J.A.C. 10:87-2.36

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§ 10:87-2.36 Expanded categorical eligibility

(a) A household shall be eligible for NJ SNAP benefits when the gross income of that household is less than 185 percent of the Federal Poverty Level. Participants do not have to meet the net income test; however, certain deductions will be taken to determine the NJ SNAP benefit amount. Resources are not to be considered in determining eligibility for NJ SNAP benefit eligibility in accordance with *N.J.A.C. 10:87-4.1(b)*. Each participant/household shall be given a brochure at the time of application, which will describe the services available for needy families.

(b) No person shall be included as a member of a household if that person fits any of the categories at *N.J.A.C. 10:87-2.32(b)* and (c).

(c) When determining benefit levels for households containing ineligible individuals, the income of such ineligible members shall be treated in accordance with *N.J.A.C. 10:87-7.7*.

(d) The CSSA shall verify information in accordance with *N.J.A.C. 10:87-2.20* to determine if the household is considered an expanded categorically eligible household when any of the following factors are questionable:

1. The definition of a household is met in accordance with *N.J.A.C. 10:87-2.2*;

2. All persons who purchase and prepare food together are included in one NJ SNAP household; or

3. The household includes no disqualified person as specified in (c) above.

(e) The exemptions concerning work registration in the NJ SNAP ETP shall be applied to individuals in expanded categorically eligible households. Individual(s) not exempt from work registration shall be subject to work requirements at *N.J.A.C. 10:87-10.1*.

History

HISTORY:

New rule R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Amended by R.1989 d.464, effective September 5, 1989.

See: 21 N.J.R. 1636(a), 21 N.J.R. 2790(a).

Cross-reference to *N.J.A.C. 10:87-2.30* added.

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

Stylistic and structural changes throughout to conform with Federal regulations regarding eligibility for food stamp benefits of AFDC and SSI recipient households.

Added new (a)1 and renumbered 1-3 as 2-4, with no change in text.

Added head of household text at (c)3.

Added new provision at (*o*) regarding ineligibility status of AFDC/SSI recipients.

Added new (s) and (t).

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (a), substituted a reference to WFNJ for a reference to AFDC in the introductory paragraph, and added 5.

Amended by R.1999 d.6, effective January 4, 1999.

See: *30 N.J.R. 3451(a)*, *31 N.J.R. 69(a)*.

Substituted references to WFNJ/TANF for references to AFDC throughout; in (a), rewrote 4; and in (c), deleted a former 2, and recodified former 3 and 4 as 2 and 3.

Recodified to *N.J.A.C. 10:87-2.32* by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Section was "Categorically eligible WFNJ/TANF/SSI households".

New Rule, R.2010 d.027, effective January 19, 2010.

See: *41 N.J.R. 3190(a)*, *42 N.J.R. 482(b)*.

Section was "Reserved".

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

In (a) and (d)2, substituted "NJ SNAP" for "food stamp" throughout; in (a), updated the N.J.A.C. reference; in (d)3, substituted "no" for "a"; and in (e), substituted "NJ SNAP ETP" for "food stamp employment and training program".

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§ 10:87-2.37 (Reserved)

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1989 d.464, effective September 5, 1989.

See: 21 N.J.R. 1636(a), 21 N.J.R. 2790(a).

Provisions for applicants who are residents of public institutions added at (b)3.

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

Stylistic changes in (f).

Amended by R.1999 d.6, effective January 4, 1999.

See: *30 N.J.R. 3451(a)*, *31 N.J.R. 69(a)*.

In (b), substituted references to FSP 901 for references to FSP 901A in the introductory paragraph and 1.

Recodified to *N.J.A.C. 10:87-2.33* by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Section was "Procedures for SSI jointly processed households".

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N.J.A.C. 10:87-2.38

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§ 10:87-2.38 (Reserved)

History

HISTORY:

R.1983 d.72, eff. February 28, 1983.

See: 15 N.J.R. 247(a), 15 N.J.R. 444(a).

Originally filed as an emergency adoption (R.1983 d.38) on February 22, 1983. Readopted as R.1983 d.72.

Amended by R.1985 d.707, effective January 21, 1986 (operative February 1, 1986).

See: 17 N.J.R. 2521(b), 18 N.J.R. 193(b).

Deleted "Licenses" and substituted "Is certified for".

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Repealed old text and substituted new.

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

Stylistic revisions and added new (a)11.

Recodified to *N.J.A.C. 10:87-2.34* by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Section was "Elderly or disabled household members".

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N.J.A.C. 10:87-2.39

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§ 10:87-2.39 (Reserved)

History

HISTORY:

New Rule, R.1993 d.62, effective February 1, 1993.

See: 24 N.J.R. 3207(b), 25 N.J.R. 584(a).

Amended by R.1999 d.6, effective January 4, 1999.

See: *30 N.J.R. 3451(a)*, *31 N.J.R. 69(a)*.

Substituted references to WFNJ/GA for references to GA throughout; and in (a) and (d), substituted references to WFNJ/TANF for references to AFDC.

Recodified to *N.J.A.C. 10:87-2.35* by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Section was "Categorically eligible WFNJ/GA households".

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N.J.A.C. 10:87-3.1

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§ 10:87-3.1 Applicability

Nonfinancial eligibility factors in this section shall apply equally to all applicant households (see *N.J.A.C. 10:87-2.19* and *2.20* for verification requirements).

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 New Jersey Register 2689(a), 21 New Jersey Register 511(b).

Substantially amended.

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 New Jersey Register 139(a), 22 New Jersey Register 1599(a).

Added "2.20" to *N.J.A.C. 10:87* reference.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Amended the N.J.A.C. references.

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N.J.A.C. 10:87-3.2

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§ 10:87-3.2 Residency in the county

(a) A household must be a resident of the county in which it files an application for participation. No individual may participate as a member of more than one household, or more than one county, in any month except as provided for in this section.

(b) Residents of shelters for battered women and children may participate in the program as a member of more than one household or in more than one county as a separate household in any month if the previously certified household of which they were members also contains the person who subjected them to abuse. (See also *N.J.A.C. 10:87-2.4(a)*4.)

1. Shelter residents who are included in such certified households may receive an additional allotment as a separate household only once a month.

History

HISTORY:

Amended by R.1982 d.473, effective January 3, 1983.

See: 14 New Jersey Register 1037(a), 15 New Jersey Register 34(a).

Treatment of battered women and children.

Amended by R.1984 d.17, effective February 6, 1984.

See: 15 New Jersey Register 1821(a), 16 New Jersey Register 246(a).

Reference to *N.J.A.C. 10:87-9.8* deleted.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 New Jersey Register 2689(a), 21 New Jersey Register 511(b).

Substantially amended.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

In (b), deleted "Residents of shelters for battered women and children:", added the N.J.A.C. reference.

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N.J.A.C. 10:87-3.3

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§ 10:87-3.3 Determination of residency

(a) For purposes of the NJ SNAP program, a person shall be considered a resident in the place in which he or she actually lives, without regard to legal residence or intent to remain permanently. There shall be no requirement that a person reside in the county for a specified period of time prior to application. A fixed residence is not required; for example, migrant campsites satisfy the residency requirement.

1. The residency requirement shall be verified except in unusual cases such as homeless households, migrant farmworker households or households newly arrived to the project area where verification of residency cannot reasonably be accomplished.

(b) A person temporarily visiting the county solely on vacation shall not be considered a resident.

1. As a result of the interoperability of EBT, a client from one state can transact benefits out-of-State. In addition, under simplified reporting (see *N.J.A.C. 10:87-9.5(a)*), households are not required to report that they have moved. However, each particular case has to be treated on its own merits. It is perfectly plausible that a person might regularly spend his or her NJ SNAP benefits in a neighboring state. If a person is cashing benefits out-of-State for a period of at least three consecutive months, the CSSA shall verify if the person is still living in New Jersey and if the person is receiving SNAP benefits at that location. A person living in New Jersey, cashing NJ SNAP benefits in Florida for a period of time during the six-month period, would not be required to report it on simplified reporting. However, if questionable it should be verified.

2. If EBT data shows a client is spending his or her benefits three consecutive months in another state, the CSSA shall not close the case per se. The CSSA shall, however, verify if the client still has residence in New Jersey and whether the client is receiving SNAP benefits in that other state. Also, the CSSA shall contact the state where the client is redeeming his or her benefits to find out if there is a duplicate participation issue.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Added (a)1.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (b), deleted "Vacationer excluded:".

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

In the introductory paragraph of (a), substituted "NJ SNAP program" for "Food Stamp Program"; and added (b)1 and (b)2.

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N.J.A.C. 10:87-3.4

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§ 10:87-3.4 Recording applicant's address

The county social service agency shall be responsible for recording the applicant's correct address, or location where the applicant may be contacted, in the case record. Confidentiality for persons participating in the Address Confidentiality Program shall be maintained in accordance with *N.J.A.C. 10:87-1.14*. The CSSA shall not require an otherwise eligible household to reside in a permanent dwelling or have a fixed mailing address as a condition of eligibility.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Added second sentence.

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N.J.A.C. 10:87-3.5

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§ 10:87-3.5 Citizenship or permanent alien status

To receive program benefits, the applicant shall be either a United States citizen or a qualified eligible alien.

History

HISTORY:

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

Substituted "a qualified" for "an".

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N.J.A.C. 10:87-3.6

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§ 10:87-3.6 U.S. citizen defined

For the purposes of *N.J.A.C. 10:87-3.5*, the United States shall be defined as the 50 States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Swain's Island, American Samoa, and the Northern Mariana Islands. Citizenship shall be verified only if questionable in accordance with *N.J.A.C. 10:87-2.20(b)*.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 New Jersey Register 2689(a), 21 New Jersey Register 511(b).

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 New Jersey Register 139(a), 22 New Jersey Register 1599(a).

Revised *N.J.A.C. 10:87* reference to 2.20(c).

Amended by R.1991 d.247, effective May 6, 1991.

See: 23 New Jersey Register 179(a), 23 New Jersey Register 1412(b).

Revised N.J.A.C. citation.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Amended N.J.A.C. reference.

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N.J.A.C. 10:87-3.7

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§ 10:87-3.7 Eligible alien

(a) Qualified aliens who have been lawfully admitted for permanent U.S. residence and/or who are permanently and lawfully residing in the U.S. shall be eligible for participation in the NJ SNAP program. For a specific listing of aliens eligible for program benefits, see *N.J.A.C. 10:87-3.8*.

(b) The presence of a person in the household who is ineligible for participation in the program because of his or her alien status shall not prevent the remainder of the household from being certified for program benefits, if eligible (see also *N.J.A.C. 10:87-2.19(c)*).

(c) If the household is comprised of minors (who are eligible for participation in the program) and an adult member who is ineligible for program benefits because of his or her alien status, such adult may make application on behalf of the remaining members of the household. However, if there is another adult in the household who is eligible for benefits, that person shall make application.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

Revised *N.J.A.C. 10:87* reference to 2.20(c).

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (b), deleted "Ineligible alien as a member of the household" and amended the N.J.A.C. reference; in (c), deleted "Ineligible alien as applicant".

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

Substituted "Qualified aliens" for "alien".

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-3.8

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§ 10:87-3.8 Eligible aliens defined

(a) A documented alien is an individual with "documentation," supplied by the United States Citizenship and Immigration Services (USCIS), which supports the alien being in the United States. An undocumented alien is an individual who has no "documentation," supplied by USCIS to indicate his or her alien status.

(b) Immigrants shall meet the following two requirements to be eligible for NJ SNAP benefits in addition to other program requirements:

1. Be in a qualified alien category; and

2. Meet a condition that allows qualified aliens to get NJ SNAP benefits.

(c) A qualified alien in the context of NJ SNAP benefit eligibility is defined as an individual who falls into one of the categories required for qualified alien status (see (d) and (e) below).

(d) The following qualified aliens shall be eligible for participation in the NJ SNAP program, with the provision that all other eligibility requirements are met. If any of the qualified aliens listed at (d)1 through 5 below change their alien status to a qualified alien listed at (e) below, they would retain their exempt status and would not have to meet one of the special qualifying conditions at (f) below. The date of entry would remain at the original date of entry and not the date of the change of status.

1. An asylee, granted under Section 208 of the Immigration and Nationality Act (INA), P.L. 101-649, *8 U.S.C. §§ 1101* et seq.

2. A refugee admitted under *8 U.S.C. § 1157*. The Trafficking Victims Protection Act of 2000 requires trafficking victims to be treated as refugees;

3. A deportee whose deportation is withheld under *8 U.S.C. §§ 1253(h)* or *1251(b)*3;

4. A Cuban or Haitian Entrant as defined in 8 U.S.C. § 11522, the Alien Refugee Education Assistant Act of 1980; and

5. An Amerasian Immigrant under *8 U.S.C. § 1101* et seq., the Foreign Operations, Export Financing and Related Program Appropriations Act.

(e) The following list of qualified aliens shall be required to meet one of the special criterion listed in (f) below to be eligible for participation in the NJ SNAP program:

1. A battered spouse, battered child, parent or child of a battered person with a petition pending under *8 U.S.C. § 1154(a)(1)(B)(ii)* or (iii), or *8 U.S.C. § 1254(a)*3 providing that the individual responsible for the battery or cruelty is not residing in the same household as the individual subjected to the battery or cruelty;

2. A lawfully admitted alien for permanent residence (I-551 form) (holders of green cards);

3. A paroled alien under *8 U.S.C. § 1182(d)(5)* for at least one year; and

4. An alien granted conditional entry under *8 U.S.C. § 1153(a)*7.

(f) The four qualified aliens listed under (e) above shall meet one of the special criteria listed below in order to be eligible to participate in the NJ SNAP program.

1. He or she is a lawfully admitted for permanent residence (LPR), who can be credited with 40 quarters of work (which is allowed to include the sum of LPR, plus parent and spouse);

2. He or she is a member of the military or has a military connection (veteran, active duty, spouse and children);

3. He or she is lawfully in the U.S., regardless of date of entry and under 18 years of age;

4. He or she is lawfully in the U.S., regardless of date of entry and receiving disability benefits;

5. He or she is lawfully in the U.S. on August 22, 1996 and 65 years of age or older on August 22, 1996; or

6. He or she is lawfully in the U.S. as a qualified alien, for at least five years.

(g) The following procedures regarding eligible aliens are to be followed:

1. To obtain history of immigrant status, ask client for his or her USCIS form G845-Supplement;

2. In order to be eligible for the NJ SNAP program, qualified aliens who are not immediately eligible, pursuant to (e)1 through 4 above, shall be required to meet special criteria listed under (f) above;

3. Persons are considered disabled for NJ SNAP purposes if they are receiving or certified to receive SSI, interim assistance pending SSI, Social Security disability, Federal or State disability retirement benefits for a permanent disability, veteran's disability benefits, or railroad retirement disability. In addition, persons receiving disability-related Medicaid, State or Federal supplemental assistance, and disability-related State General Assistance benefits may be considered disabled for NJ SNAP purposes if they are determined disabled using Federal SSI criteria. State General Assistance or medical programs that use a medical practitioner's statement in order to determine that an immigrant meets the SSI disability criteria shall meet the disability criteria under the NJ SNAP program.

4. For both six-month reporting and change reporting cases, if the CSSA is aware of an alien child turning 18 years old during the certification period at the time the

household is last recertified, the CSSA shall act on the change according to *N.J.A.C. 10:87-9.5*. The CSSA shall determine if the child remains eligible based on other NJ SNAP criterion as found at *N.J.A.C. 10:87-3.8(f)*. If the household is on change reporting, the household is required to report the change within 10 days.

(h) The following aliens are eligible to participate in the NJ SNAP program, even if they are not qualified aliens, and are eligible for an indefinite period of time.

1. Certain Hmong or Highland Laotians (spouse and children); and

2. American Indians born in Canada to which Section 289 of INA (*8 U.S.C. § 1359*) applies, and members of an Indian tribe as defined in Section 4(e) of the Indian Self-Determination and Education Assistance Act (cross-border Indians) (*25 U.S.C. § 450b(e)*).

History

HISTORY:

Amended by R.1984 d.17, effective February 6, 1984.

See: 15 N.J.R. 1821(a), 16 N.J.R. 246(a).

Qualifying dates in regard to conditional entry, added.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

Revised *N.J.A.C. 10:87* reference to 2.20(c).

Amended by R.1993 d.62, effective February 1, 1993.

See: 24 N.J.R. 3207(b), 25 N.J.R. 584(a).

In (a)8, provides for restored benefits to temporary residents. Added (b).

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

Rewrote the section.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section.

Repeal and New Rule, R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

Section was "Eligible aliens; listing".

Amended by R.2009 d.94, effective March 16, 2009.

See: *40 N.J.R. 5932(a)*, *41 N.J.R. 1245(b)*.

In the introductory paragraph of (d), substituted "(d)1" for "1" preceding "through 5"; and in (d)2, inserted "The" and substituted "2000" for "2002".

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-3.9

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§ 10:87-3.9 Ineligible aliens

(a) The following aliens are not eligible to participate in the NJ SNAP program:

1. Visitors, tourists, students and diplomats;

2. Aliens residing under Color of Law.

i. "Color of law" means aliens that are in the United States prior to January 1, 1972, under statutory authority and those allowed to remain in the United States by administrative discretion;

3. Undocumented aliens. Undocumented aliens are persons who either:

i. Entered the United States without inspection at the border; or

ii. Were lawfully admitted but have lost their status;

4. Aliens who have applied for eligible status, but who have not yet been approved; and

5. Aliens whose status is questionable or unverified.

(b) The CSSA shall report to the United States Citizenship and Immigration Services (USCIS) a household member who has applied and who is ineligible to receive NJ SNAP benefits, when that person is known to be in violation of the Immigration and Naturalization Act, *8 U.S.C. § 1101* et seq. The reporting containing the name, address, and other identifying information shall be submitted no later than the 45th day of the calendar quarter after which it was discovered. As there are four calendar quarters in a given year, that is, March 31, June 30, September 30, and December 31, the identifying information shall be submitted by April 15, August 14, November 14 or February 14, respectively. The information shall be reported to: Director, Policy Directives and Instructions Branch, United States Citizenship and Immigration Services, 425 I Street NW-Room 4034, Washington, DC 20536 (USCIS No. 2070-00).

1. Illegal aliens who must be reported are only those applicants who the CSSA knows are in violation of residency requirements, based on a finding of fact or as a conclusion of the law, which is supported by an official determination of the USCIS. The status of known illegal aliens may also be officially determined based on a review by the Executive Office of the USCIS, and supported by a Final Order of Deportation. Only the United States Department of Justice can make a determination of an alien's

legal status. No other agency is so charged. The requirement to report a known illegal immigrant is not applicable to anyone who is not part of the household or is not applying for assistance. Applicants may be informed that the CSSA is required to report illegal aliens to the USCIS in cases where the USCIS has made the determination that the alien is in the country illegally.

2. When a person indicates inability or unwillingness to provide documentation of alien status, the CSSA shall classify that person as an ineligible alien. In such cases the CSSA agency shall not continue efforts to obtain that documentation and shall not report that individual to the USCIS.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Repeal and New Rule, R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

Section was "Ineligible aliens".

Amended by R.2009 d.94, effective March 16, 2009.

See: *40 N.J.R. 5932(a)*, *41 N.J.R. 1245(b)*.

In (a)2i, inserted "prior to January 1, 1972,"; in the introductory paragraph of (a)3, inserted ". Undocumented aliens are persons who are either:"; and added (a)3i and (a)3ii.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-3.10

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§ 10:87-3.10 Income and resources of ineligible aliens and individuals whose citizenship is questionable

The income and resources of an ineligible alien, or individual whose citizenship is questionable, who would be considered a member of a household if he or she did not have ineligible alien status or questionable citizenship status shall be considered in determining eligibility and level of benefits of the household in the same manner as the income and resources of an excluded individual as specified at *N.J.A.C. 10:87-7.7(c)*.

History

HISTORY:

Amended by R.1983 d.223, eff. May 31, 1983.

See: 15 New Jersey Register 629(a), 15 New Jersey Register 1033(a).

Originally adopted as an Emergency Rule, R.1983 d.116, eff. March 31, 1983, operative April 1, 1983. The amendment is pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

Language added referring to ineligible aliens and questionable citizenship.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Amended N.J.A.C. reference.

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N.J.A.C. 10:87-3.11

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§ 10:87-3.11 Awaiting verifications

(a) If verification of eligible alien status or citizenship as required by *N.J.A.C. 10:87-2.19(c)* is not provided on a timely basis, the eligibility of the remaining household members shall be determined. The income and resources of the alien(s) whose status is unverified or individual whose citizenship is questionable shall be treated in the same manner as an excluded member as specified at *N.J.A.C. 10:87-7.7(c)* and considered available in determining the eligibility of the remaining household members.

(b) If verification of eligible alien status or citizenship is subsequently received, the CSSA shall act on the information as a reported change in household membership in accordance with timeliness standards at *N.J.A.C. 10:87-9.5(b)*.

History

HISTORY:

Amended by R.1983 d.223, effective May 31, 1983.

See: 15 N.J.R. 629(a), 15 N.J.R. 1033(a).

Originally adopted as an Emergency Rule, R.1983 d.116, eff. March 31, 1983, operative April 1, 1983. The amendment is pursuant to the Food Stamp Act amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1982 (P.L. 97-35).

References added to citizenship and treatment of income and resources of individuals with questionable citizenship status.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Changed 1. to (b).

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

Revised *N.J.A.C. 10:87* reference to 2.20(c).

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (b), deleted "Subsequent verification:"; amended N.J.A.C. references throughout.

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§ 10:87-3.12 Eligibility to use benefits for prepared meals

(a) The following individuals, if members of an eligible household, may use NJ SNAP benefits to purchase prepared meals from any communal dining facility, meal delivery service, substance abuse treatment center, group living arrangement, shelter for battered women and children or homeless meal provider which is currently authorized by FNS to accept NJ SNAP benefits.

1. Any member of an eligible household who is 60 years of age or older or members who receive SSI may use all or any part of his or her NJ SNAP benefits to purchase meals prepared at a communal dining facility authorized by FNS for that purpose. In addition, if such household member lives with his or her spouse, the spouse may also use benefits to purchase meals from a communal dining facility.

2. Any member of an eligible household who is 60 years of age or older, or members who are housebound, feeble, physically handicapped or otherwise disabled to the extent that they are unable to adequately prepare all their meals, may use all or any part of their benefits to purchase meals from a nonprofit meal delivery service. The spouse of such an individual may also use NJ SNAP benefits to purchase meals from a meal delivery service, regardless of age or disability.

3. Members of eligible households who are substance abusers and who regularly participate in a substance abuse treatment and rehabilitation program may use their benefits to purchase food prepared for them during the course of such program by a private nonprofit organization, institution or a publicly operated community mental health center authorized by FNS.

4. Members of eligible households who are residents of a private or public nonprofit facility, such as a GLA authorized by FNS to use their benefits to purchase food for meals served either communally or individually.

i. If the residents apply on their own behalf, the CSSA shall certify these residents using the same provisions that apply to all households. If the FNS disqualifies the Group Living Arrangement (GLA) as an authorized retail food store, the CSSA shall suspend its authorized representative status for the same time; but residents applying on their own behalf will still be able to participate in the NJ SNAP program, if otherwise eligible.

5. Residents of shelters for battered women and children may use their benefits to purchase meals prepared especially for them at a shelter which has been authorized by FNS to redeem benefits at wholesalers, or which redeems at retailers as the authorized representative of participating households.

6. Homeless NJ SNAP households who obtain meals prepared for and served by an authorized public or private nonprofit establishment such as a soup kitchen or temporary shelter approved by the DFD or its designee.

i. Homeless NJ SNAP households may use their benefits at restaurants who have entered into a contract with the CSSA to provide meals to homeless individuals and who have been approved by FNS to accept NJ SNAP benefits.

History

HISTORY:

Amended by R.1979 d.422, eff. October 18, 1979.

See: 11 N.J.R. 379(a), 11 N.J.R. 559(d).

Amended by R.1982 d.474, eff. January 3, 1983.

See: 14 N.J.R. 1081(b), 15 N.J.R. 35(a).

References to group living and shelters for battered women, added.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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§ 10:87-3.13 State Income and Eligibility Verification System

(a) DFD shall maintain and use the Income and Eligibility Verification System (IEVS) as specified in this section. By means of IEVS, DFD shall request wage and benefit information from the agencies identified below and use that information in verifying eligibility for, and the amount of, NJ SNAP benefits due to eligible households.

1. Such information shall be requested and used with respect to all household members, including any excluded household members, as specified at *N.J.A.C. 10:87-7.7*, whenever the SSNs of such included household members are available. (If not otherwise documented, DFD shall obtain written agreements from those information provider agencies that they shall not record any information about individual NJ SNAP households and that staff of those agencies are subject to the disclosure restrictions at *N.J.A.C. 10:87-1.14*).

2. The wage and benefit information available through IEVS are:

i. Wage information maintained by the State Wage Information Collection Agency (SWICA);

ii. Information about net earnings from self-employment, wages, and Internal Revenue Service (IRS) data, retirement payments and unearned income maintained by the SSA and available pursuant to sections 6103(1)(7)(A) and (B) of the IRS Code; Federal retirement, survivors, disability, SSI and related benefit information available from the SSA; and

iii. Claim information from the agency administering Unemployment Insurance Benefits (UIB) and any information, in addition to information about wages and UIB, which is useful for verifying eligibility and benefits, subject to the provisions and limitations of section 303(d) of the Social Security Act.

(b) DFD shall exchange information with other State agencies administering certain other programs in the IEVS about NJ SNAP households' circumstances which may be of use in establishing or verifying eligibility and/or benefits under the program. CSSAs may exchange information with agencies in other states when they determine that the same objectives are likely to be met.

1. These programs are:

i. Work First New Jersey/Temporary Assistance for Needy Families (WFNJ/TANF);

ii. Medicaid;

iii. Unemployment Compensation (UC);

iv. NJ SNAP; and

v. Any State program administered under a plan approved under Title I, X, or XIV (the adult categories), or Title XVI of the Social Security Act.

2. DFD shall provide information to people administering the Child Support Program (Title IV-D of the Social Security Act) and Titles II (Federal Old Age, Survivors, and Disability Insurance Benefits) and XVI (Supplemental Security Income for the Aged, Blind, and Disabled) of the Social Security Act.

(c) The CSSA shall use information obtained from IEVS for the purposes of:

1. Verifying a household's eligibility;

2. Verifying the proper amount of benefits;

3. Investigating to determine whether participating households received benefits to which they were not entitled; and

4. Obtaining information which will be used in conducting criminal or civil prosecutions based on receipt of benefits to which participating households are not entitled.

(d) CSSAs shall request through DFD, and use information about members of all applicant households as specified below:

1. Information shall be requested at the next available opportunity after the date of application even if the applicant household has been determined eligible by that time. Information about members of applicant households who cannot provide SSNs at application shall be requested at the next available opportunity after the CSSA is notified of the household members' SSNs. Information received within the 30-day application period shall be used to determine household eligibility and benefits if the information is received timely enough. However, CSSAs shall make eligibility and benefit determinations without waiting for receipt of IEVS data to conform with the promptness standards at *N.J.A.C. 10:87-2.26*. Information received after an eligibility determination has been made shall be used as specified in (e) and (f) below.

2. Information from the SWICA, SSA, IRS, and claim information from the agency administering UIB shall be requested and used as specified in (d)1 above. Requests to SWICAs shall access the most recent SWICA data available. Requests to SSA and IRS shall be submitted according to procedures specified by those organizations.

3. Any information, other than wage and UIB which UC agencies may have and that DFD determines would be useful in verifying eligibility or benefits of applicant households, shall be requested by methods and at intervals to which DFD and UC agencies agree, and shall be used as specified in paragraph (d)1 above; and

4. Exchanges of information about applicant households with other programs specified in (b) above shall be made as the DFD and other programs may agree.

(e) Except as provided in (e)7 below, with respect to all members of recipient households, DFD shall:

1. Request information from the SWICA quarterly, such requests shall include all households which participated in any month of the quarter;

2. Request information about household members from SSA data bases no later than the second month of the certification period, when requests at application did not establish automatic reporting to the CSSA of changes in SSA data. Requests shall be submitted according to procedures specified by the SSA;

3. Request information from IRS annually for all current recipients. Requests shall be submitted to IRS according to procedures specified by the IRS;

4. Exchange information with other programs specified in paragraph (a) above as the DFD and these other programs may agree;

5. Request information about UIB from the agency administering that program as follows:

i. For all household members about whom requests at application indicate no receipt of UIB, information shall be requested for the three months following the month of application or until the receipt of UIB is reported, whichever is earlier; and

ii. For all household members who report a loss of employment, information shall be requested for the three months following the month the loss is reported or when it is considered verified upon receipt of UIB, SDX, Social Security, and so forth, whichever is earlier; and

6. Request from UC agencies any information other than UIB information which DFD determines would be useful in verifying eligibility or benefits of recipient households. Requests shall be made by methods and at intervals to which the DFD and the UC agencies agree.

7. Under certain conditions DFD may exclude from the requests for information specified in this subsection those members of recipient households who are participating in one of the other programs listed in (b) above. The conditions for such exclusion are that:

i. The agency responsible for administering the other program is requesting and acting on information on NJ SNAP recipients who are participating in that program as required by the pertinent regulations for that program, including any concerning selective criteria for follow-up action;

ii. The other program agency agrees to inform the CSSA of the information obtained from its follow-up action when that information shows discrepancies between actual circumstances of NJ SNAP recipients and circumstances known by the other program agency;

iii. The other program agency agrees to make available, at the request of the CSSA, information about NJ SNAP recipients that it did not follow up on; and

iv. The follow-up action taken by the other program agency is at least as beneficial as similar action would be if taken by the CSSA.

(f) With respect to information received as a result of requests made according to (e) above, CSSAs shall initiate and pursue actions according to the specific attachment to the State Plan of Operation.

1. CSSA action on information items about recipient households shall include:

i. Reviewing the information and comparing it to case record information;

ii. For all new or previously unverified information received, contacting the households to resolve discrepancies as specified in (d) and (e) above.

iii. If discrepancies warrant reducing benefits or terminating eligibility, sending out notices of adverse action.

2. CSSAs shall initiate and pursue the actions specified above so that they are completed within 45 days of receipt of the information. Actions may be completed later than 45 days from the receipt of information on no more than 20 percent of the information if:

i. The only reason that the actions cannot be completed is the nonreceipt of verification requested from collateral contacts; and

ii. The actions are completed, as specified in *N.J.A.C. 10:87-9.5*, when verification from a collateral contact is received or, in conjunction with the next case action, when such verification is not received, whichever is earlier.

3. When the actions specified in (f)1 above substantiate an overissuance, CSSAs shall take action on claims as specified at *N.J.A.C. 10:87-11.20*.

4. State agencies shall use appropriate procedures to monitor the timeliness requirements in (f)2 above.

5. Except for the claims actions specified in (f)3 above, under the conditions of (e)7 above, CSSAs may exclude from the actions required in (f) above, information items pertaining to household members who are participating in one of the other programs listed in (b) above.

(g) IEVS information and quality control responsibilities are:

1. In compliance with Federal regulations, the DFD uses an administrative system (IEVS) to measure the extent and number of, and occasion and basis for, errors of benefit issuance and/or eligibility in the program.

2. The CSSA shall be responsible for investigating and then initiating and implementing actions designed to bring the incidence of errors, as established by DFD's Bureau of Quality Control, within certain pre-set tolerance limits.

History

HISTORY:

New rule, R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Amended by R.1999 d.6, effective January 4, 1999.

See: *30 N.J.R. 3451(a)*, *31 N.J.R. 69(a)*.

In (b)1i, substituted a reference to WFNJ/TANF for a reference to AFDC.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (d), amended the N.J.A.C. reference and deleted "paragraphs" preceding "(e) and (f) below" in 1; in (e)5, substituted "when it is considered verified upon receipt of UIB, SDX, Social security, and so forth" for "until the receipt of UIB is reported" in ii and deleted iii; in (f), amended the N.J.A.C. reference in 3.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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§ 10:87-3.14 Procedures for students in an institution of higher education

(a) A student in an institution of higher education is defined as any person who is between the ages of 18 and 50, who is physically and mentally fit, and is enrolled at least half-time in an institution of higher education. Half-time is defined by the institution of higher education and is usually based upon the number of credits or hours enrolled. Persons attending high school are not considered students in an institution of higher education.

(b) A person is considered enrolled in an institution of higher education if they are enrolled in a business, technical, trade, or vocational school that normally requires a high school diploma or equivalency certificate for enrollment, or if the person is enrolled in a regular curriculum at a college or university that offers degree programs regardless of whether a high school diploma is required.

(c) The enrollment status of a student shall begin on the first day of the school term of the institution of higher education. Such enrollment shall be deemed to continue through normal periods of class attendance, vacation, and recess, unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term (excluding summer school).

(d) In order to be eligible to participate in the NJ SNAP program, any student (as defined at (a) above) shall meet at least one of the following criteria:

1. Be employed for a minimum of 20 hours per week and be paid for such employment or, if self-employed, be employed for a minimum of 20 hours per week and receive weekly earnings at least equal to the Federal minimum wage multiplied by 20 hours. Student work hours shall be calculated by averaging work hours over the course of a month, including work hours accrued during academic breaks shorter than one month. Work hours accrued during academic breaks longer than one month are excluded;

2. Participate in a Federally financed work study program (funded in full or in part under Title IV-C of the Higher Education Act of 1965 as amended) during the regular school year, or a state financed work study program. To qualify under this provision, the student must be approved for work study at the time of application for NJ SNAP benefits, the work study must be approved for the school term, and the student must anticipate actually working during that time. Student eligibility based on work study

participation begins either with the month in which the school term begins or the month that participation in work study is approved, whichever occurs last. Once eligible, the student's eligibility shall continue until either the end of the month in which the school term ends, or it becomes known that the student has refused to participate in the work study program. Student eligibility based on work study participation shall not continue between terms where there is a break of a full month or longer, unless the student is participating in work study during the break;

3. Be responsible for the care of a dependent household member under the age of six.

i. Only one person per dependent in the same NJ SNAP household may qualify pursuant to this provision;

4. Be responsible for the care of a dependent household member between the ages of six and 12 for whom adequate child care is not available to enable the student to either attend class and satisfy the 20-hour work requirement at (d)1 above, or to participate in a State or Federally financed work study program during the regular school year, as set forth at (d)2 above.

i. The availability and adequacy of child care shall be determined by the CSSA on a case by case basis;

ii. Only one person per dependent in the same NJ SNAP household may qualify pursuant to this provision;

5. Be receiving benefits from the Work First New Jersey (WFNJ) or other Temporary Assistance for Needy Families (TANF) program;

6. Be enrolled in an institution of higher education as a result of participation in the work incentive program pursuant to Title IV of the Social Security Act (*42 U.S.C. §§ 601* et seq.), or its successor programs;

7. Be assigned to or placed in an institution of higher education through or in compliance with the requirements of one of the programs identified at (d)7i through iv below. Self-initiated placements during the period of time the person is enrolled in one of these employment and training programs shall be considered to be in compliance with the requirements of the employment and training program in which the person is enrolled, provided that the program has a component for enrollment in an institution of higher education, and that the program accepts the placement. Persons who voluntarily participate in one of these employment and training programs, and are placed in an institution of higher education through or in compliance with the requirements of the program, shall also qualify. The programs are:

i. A program pursuant to Title I of the Workforce Innovation and Opportunity Act (*29 USC §§ 3111* et seq.);

ii. An NJ SNAP Employment and Training Program (NJ SNAP ETP) activity pursuant to N.J.A.C. 10:87-10, including, but not limited to, a course or program of study that:

(1) Is part of a program of career and technical education as defined at section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (*20 U.S.C. § 2302*) designed to be completed in not more than four years at an institution of higher education; or

(2) Is limited to remedial courses, basic adult education, literacy, or English as a second language;

iii. A program under Section 236 of the Trade Act of 1974 (Public Law 93-618); or

iv. An employment and training program for low-income households that is operated by the State of New Jersey, or its local governments, where one or more of that program's requirements is at least equivalent to an acceptable NJ SNAP ETP component as specified at N.J.A.C. 10:87-10;

8. Be a single parent enrolled in an institution of higher education on a full-time basis (as defined by the institution), and be responsible for the care of a dependent child under the age of 12. This provision is to be applied in those situations where only one natural, adoptive, or step-parent (regardless of marital status) is in the same NJ SNAP household as the child. (For example, if one natural parent and a step-parent are living with the child, neither the natural parent nor the step-parent shall qualify as an eligible student pursuant to this provision.) If no natural, adoptive, or step-parent is in the same NJ SNAP household as the child, another full-time student in the same NJ SNAP household as the child may qualify for eligible student status pursuant to this provision if he or she has parental control over the child, and is not living with his or her spouse; or

9. Be participating in an on-the-job training program. A person is considered to be participating in an on-the-job training program only during the period of time the person is being trained by the employer.

(e) The income and resources of an ineligible student living with a household shall not be considered in determining eligibility or level of benefits of the household (see *N.J.A.C. 10:87-5.9(a)*13).

History

HISTORY:

Amended by R.1981 d.97, effective April 9, 1981.

See: 13 N.J.R. 96(c), 13 N.J.R. 228(a).

Old section concerning "eligibility of taxpayer's household" deleted and new section concerning procedures for students in an institution of higher education substituted therefor.

Amended by R.1983 d.121, effective April 4, 1983.

See: 15 N.J.R. 247(a), 15 N.J.R. 625(b).

Originally adopted as an Emergency Rule, R.1983 d.38, effective January 31, 1983. The Amendment was pursuant to the Omnibus Budget Reconciliation Act of 1982 (P.L. 97-253) and the Food Stamp and Commodity Distribution Amendments of 1981 (P.L. 97-98, Title 13).

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1993 d.62, effective February 1, 1993.

See: 24 N.J.R. 3207(b), 25 N.J.R. 584(a).

In (a), reduced maximum age criteria from 60 to 50. In (d)2, added a state financial work study program and defined participation in such programs. In (d)4 and 7 through 11, defined care of a dependent and student eligibility for food stamps.

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

Rewrote (d).

Amended by R.1999 d.6, effective January 4, 1999.

See: *30 N.J.R. 3451(a)*, *31 N.J.R. 69(a)*.

In (d)5, substituted a reference to WFNJ/TANF for a reference to AFDC.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (d), substituted "shall" for "must" in the introductory paragraph, substituted "Workforce Investment Act of 1998 (WIA) (P.L. 105-202)" for "Job Training Partnership Act of 1974 (JTPA), *18 U.S.C. § 665*" in 7i, and amended the N.J.A.C. reference in 7iv; deleted introductory phrases throughout.

Amended by R.2009 d.94, effective March 16, 2009.

See: *40 N.J.R. 5932(a)*, *41 N.J.R. 1245(b)*.

In (d)7ii, inserted ", unless the individual meets the exemption criteria at *N.J.A.C. 10:87-10.2(b)*3".

Administrative change.

See: *44 N.J.R. 1529(a)*.

Amended by R.2024 d.103, effective October 21, 2024.

See: *56 N.J.R. 881(a)*, *56 N.J.R. 2081(a)*.

Rewrote the section.

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N.J.A.C. 10:87-3.15

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§ 10:87-3.15 Social Security numbers

Providing the Social Security Number for each household member is voluntary; however, failure to provide a SSN will result in denial of NJ SNAP benefits to each individual failing to provide a SSN. Once a SSN is verified, the CSSA may share it with other State and Federal agencies. Any SSNs provided of non-applicant members shall be used and disclosed in the same manner as SSNs of eligible household members. If individuals have more than one number, all numbers shall be required. The CSSA shall explain to applicants and participants that refusal or inability to provide a SSN will result in disqualification of the individual for whom the number has not been provided.

History

HISTORY:

Amended by R.1983 d.121, effective April 4, 1983.

See: 15 N.J.R. 247(a), 15 N.J.R. 625(b).

Originally adopted as an Emergency Rule, R.1983 d.38, effective January 31, 1983. The Amendment was pursuant to the Omnibus Budget Reconciliation Act of 1982 (P.L. 97-253) and the Food Stamp and Commodity Distribution Amendments of 1981 (P.L. 97-98, Title 13).

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Deleted (a)1 through (a)4; recodified from 3.24.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-3.16

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§ 10:87-3.16 Work registration

(a) Each household member who is not exempt shall be registered for employment by the CSSA at time of application, and at least once every 12 months as a condition of eligibility for participation in the NJ SNAP program.

(b) The CSSA shall provide work registration forms to the applicant or the household's authorized representative for each household member required to register for employment and permit the applicant or authorized representative to complete the form or, if available, to electronically register.

(c) See *N.J.A.C. 10:87-10.1* et seq. for details concerning work registration, and employment and training requirements.

History

HISTORY:

New Rule, R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (b), inserted "or, if available, to electronically register" at the end.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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§ 10:87-3.17 Fleeing felons and probation or parole violators

(a) Individuals are ineligible for the NJ SNAP program benefits and disqualified from participation in SNAP while they are fleeing to avoid prosecution, custody, or confinement for a felony (high misdemeanor) or attempted felony (attempted high misdemeanor), or for violating a condition of probation or parole pursuant to Federal or state law. The CSSA may only disqualify an individual from the SNAP program, and make such necessary adjustment to the household's benefits, if they are considered a fleeing felon or a probation or parole violator as defined in this section:

1. An individual is considered a fleeing felon when a Federal, state, or local law enforcement officer, acting in their official capacity, confirms that they are actively seeking the fleeing felon and presents to the CSSA an outstanding felony (high misdemeanor) arrest warrant that conforms to one of the following National Crime Information Center Uniform Offense Classification Codes:

i. Escape (4901);

ii. Flight to Avoid (prosecution, confinement, etc.) (4902); or

iii. Flight-Escape (4999).

2. An individual is considered a probation or parole violator when an impartial party (such as, but not limited to, a court or parole board) has determined that the individual violated a condition of their probation or parole as imposed pursuant to Federal or state law and that Federal, state, or local law enforcement authorities are actively seeking the individual to enforce the conditions of their probation or parole.

(b) Actively seeking, as used at (a) above, shall mean:

1. A Federal, state, or local law enforcement agency informing the CSSA that it intends to enforce an outstanding felony (high misdemeanor) warrant or to arrest an individual for a probation or parole violation within 20 days of submitting a request for information about the individual to the CSSA; or

2. A Federal, state, or local law enforcement agency informing the CSSA that it intends to enforce an outstanding felony (high misdemeanor) warrant or to arrest an individual for a probation or parole violation within 30 days of the date of a request from the CSSA about a specific outstanding felony (high misdemeanor) warrant or probation or parole violation.

(c) The CSSA shall give a law enforcement agency 20 days to respond to a request for information about the conditions of a felony (high misdemeanor) warrant or a probation or parole violation and as to whether or not the law enforcement agency intends to actively pursue the individual.

1. If the law enforcement agency does not indicate it intends to enforce the felony (high misdemeanor) warrant or arrest the individual for the probation or parole violation within 30 days of the date of the CSSA's request for information about the warrant, the CSSA shall determine that the individual is not a fleeing felon or a probation or parole violator and update the case file accordingly.

2. If the law enforcement agency does intend to enforce the felony (high misdemeanor) warrant or arrest the individual for the probation or parole violation within 30 days of the CSSA's request for information, the CSSA will postpone any action on the case file until the 30-day time period has expired.

3. At the conclusion of 30 days, the CSSA shall verify with the law enforcement agency whether it has attempted to execute the felony (high misdemeanor) warrant or arrest the probation or parole violator. If the law enforcement agency has taken such action, the CSSA shall deny an applicant or terminate a participant who has been determined to be a fleeing felon or probation or parole violator. If the law enforcement agency has not taken such action, the CSSA shall not consider the individual to be a fleeing felon or probation or parole violator, shall document the case accordingly, and shall take no further action.

(d) The CSSA shall continue the processing of any SNAP application while awaiting verification from a law enforcement agency that an individual is a fleeing felon or probation or parole violator. If program timeframes, including timeframes for expedited service pursuant to *N.J.A.C. 10:87-2.28* through *2.30*, require the CSSA to process the application before verification of fleeing felon or probation or parole violator status can be determined, the CSSA should process the application without consideration of the individual's status.

1. The existence of an outstanding felony (high misdemeanor) arrest warrant for any crime not set forth at (a)1 above shall not be sufficient to deny SNAP benefits based upon fleeing felon status, even if the individual is aware of an outstanding warrant.

2. If an individual self-declares that they are a fleeing felon or a probation or parole violator, the CSSA must verify such information from an independent source before accepting any self-declaration as true.

3. If an individual declares that a warrant has been satisfied, the individual shall be given the opportunity to submit documentation of such warrant having been satisfied.

History

HISTORY:

New Rule, R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section.

Administrative change.

See: *44 N.J.R. 1529(a)*.

Amended by R.2025 d.110, effective September 15, 2025.

See: *57 N.J.R. 522(a)*, *57 N.J.R. 2267(b)*.

Section was "Felons and parole violators". Rewrote the section.

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N.J.A.C. 10:87-3.18

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§ 10:87-3.18 Disqualification due to duplicate participation

Individuals found in a court or administrative hearing to have made a fraudulent statement regarding their identity or residence in order to concurrently receive NJ SNAP benefits in more than one state or county shall be disqualified from the Program for 10 years.

History

HISTORY:

The following annotations apply to N.J.A.C. 10:87-3.18 prior to its repeal by R.2012 d.031:

New Rule, R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (a), inserted "unless enrolled in, actively participating in or has completed a licensed residential substance abuse treatment program (LRDTP)" at the end of the introductory paragraph; rewrote (b); in (d), substituted "If the test indicates positive for any controlled substance, benefits" for "Benefits" and substituted "substance abuse" for "drug".

The following annotations apply to N.J.A.C. 10:87-3.18 subsequent to its recodification from N.J.A.C. 10:87-3.19 by R.2012 d.031:

New Rule, R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

Recodified from *N.J.A.C. 10:87-3.19* and amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

Substituted "NJ SNAP" for "food stamp". Former *N.J.A.C. 10:87-3.18*, Individuals convicted of use, possession, or distribution of controlled substances, was repealed.

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§ 10:87-3.19 (Reserved)

History

HISTORY:

Recodified to *N.J.A.C. 10:87-3.18* by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

Section was "Disqualification due to duplicate participation".

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§ 10:87-4.1 Resource applicability

(a) The resource criteria and eligibility standards of this subchapter apply to the following households:

1. Households that contain a member who is subject to an Intentional Program Violation (IPV). The remaining members of the household are NJ SNAP program eligible during the whole disqualification period, if otherwise eligible;

2. Elderly and/or disabled households with income that exceeds 185 percent of the Federal Poverty Level (FPL), and who meet the net income standard for the NJ SNAP program eligibility; and

3. Households that contain a member who has failed to comply with a work requirement. The remaining members of the household are NJ SNAP program eligible during the whole disqualification period, if otherwise eligible. There is a work requirement exemption for one parent or other household member who has responsibility for the care of a dependent child under six years of age or who cares for an incapacitated person;

(b) The resource criteria and eligibility standards in this subchapter do not apply to the following households:

1. Expanded categorical households;

2. Expanded categorical alien households' sponsors and sponsors' spouses;

3. Elderly and/or disabled households who meet the gross income of 185 percent of the FPL;

4. Households who have removed the ineligible alien (see *N.J.A.C. 10:87-2.3(c)*3); and

5. Households who have removed an ineligible student (see *N.J.A.C. 10:87-2.3(c)*3).

(c) Categorical eligibility applies to WFNJ/TANF, GA, NJ SNAP and SSI households and is defined at *N.J.A.C. 10:87-2.32*. These households are resource eligible for the NJ SNAP program.

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N.J.A.C. 10:87-4.2

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§ 10:87-4.2 Determining resources and applicant responsibility

(a) Available resources at the time the household is interviewed shall be used to determine the household's eligibility.

(b) At the time of the certification or recertification interview, the applicant shall report all resources currently held by any member of the household.

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N.J.A.C. 10:87-4.3

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§ 10:87-4.3 Resources defined

(a) The resources of a household shall include the following, which shall be recorded by the CSSA in sufficient detail to permit verification, if necessary (see *N.J.A.C. 10:87-2.20*, *2.21* and *4.5*):

1. Liquid resources, such as cash on hand, money in checking and/or savings accounts, savings certificates, stocks and/or bonds and lump-sum payments.

i. Money placed into an account from a reverse mortgage shall be considered a liquid resource;

2. Monies withdrawn from a 401K plan, Keogh and IRAs.

i. The monies withdrawn from a 401K plan, Keogh and IRAs are countable income. If it is a large sum, it should be divided by the number of months in the certification period. If the plan has been withdrawn early, subtract the penalty (if any) assessed for early withdrawal from the total amount of monies received and the remaining amount is the countable income;

3. Nonliquid resources, such as personal property, buildings, land, recreational property and any other property not specifically excluded under *N.J.A.C. 10:87-4.8*; and

4. Vehicles are excluded as a resource, except for recreational vehicles, such as boats, motor homes and so forth. However, if the boat or motor home is the household's primary residence, then it is subject to the resource exemption. The value of recreational vehicles, registered in the name of an eligible household member, shall be included in the determination of financial eligibility. The fair market value of a recreational vehicle shall be determined by the value of those vehicles as indicated on the National Automobile Dealers Association Internet website, *www.nadaguides.com*. The CSSA shall not increase the basic value of a vehicle by adding the value of low mileage or other factors, such as optional or handicap accessible equipment. If a new vehicle is not listed on the website, the CSSA shall contact an appropriate dealership to determine the value of a recreational vehicle.

(b) Deemed resources shall include resources deemed to an alien from his or her sponsor in accordance with *N.J.A.C. 10:87-7.11*.

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§ 10:87-4.4 Jointly owned resources

(a) Resources held jointly by separate households shall be considered available in their entirety to each household, unless it can be demonstrated by the applicant household that such resources are inaccessible to that household. If the household can demonstrate that it has access to only a portion of the resources, only the value of that portion shall be counted toward the household's resource level.

(b) The resource shall be considered totally inaccessible to the household if the resource cannot be practically subdivided and the household's access to the value of the resource is dependent on the agreement of a joint owner who refuses to comply. For the purpose of this subsection, excluded household members (as described in N.J.A.C. 10:87-2.3(c)) residing with the household shall be considered household members.

(c) Resources of residents of shelters for battered women and children shall be considered inaccessible if:

1. The resources are jointly owned by such persons and by a member(s) of their former household; and

2. The shelter resident's access to the value of the resources is dependent on the agreement of a joint owner.

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N.J.A.C. 10:87-4.5

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§ 10:87-4.5 Verification of resource information

Resource information shall be verified prior to certification only if questionable (see *N.J.A.C. 10:87-2.20*).

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§ 10:87-4.6 Resources of nonhousehold and excluded household members

(a) The resources of nonhousehold members, as described in *N.J.A.C. 10:87-2.3(a)*, shall not be counted as available to the household.

(b) The resources of excluded household members, as described in *N.J.A.C. 10:87-2.3(c)*, shall be counted, if applicable, as available to the remaining household members in accordance with *N.J.A.C. 10:87-7.14(b)* and (c).

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N.J.A.C. 10:87-4.7

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§ 10:87-4.7 Resource exclusions

In the determination of resource eligibility, any item classified as a resource exclusion shall not be considered in the determination of eligibility for participation in the program. Where an exclusion applies because of use of a resource by or for a household member, the exclusion shall also apply when the resource is being used by or for an excluded household member whose resources are being counted as part of the household's resources.

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§ 10:87-4.8 Identification of resource exclusions

(a) Only the following shall be classified as resource exclusions by the CSSA:

1. The home and surrounding property that is not separated from the home by intervening property owned by others.

i. Public rights of way, such as roads that run through the surrounding property and separate it from the home, will not affect the exclusion of the property.

ii. The home and surrounding property shall remain excluded when temporarily unoccupied for reasons of employment, training for future employment, illness or uninhabitability caused by casualty or natural disaster, only if the household intends to return to the home.

iii. Households that currently do not own a home, but own or are purchasing a lot on which they intend to build or are building a permanent home, shall receive an exclusion for the value of the lot and, if it is partially completed, for the home;

2. Household goods, including such items as furniture and appliances;

3. Motor vehicles (see *N.J.A.C. 10:87-4.3(a)*4);

4. Personal effects, including such items as clothing or jewelry;

5. One burial plot per household member. In addition, the value of one bona fide funeral agreement per household member is also excluded, provided that the agreement does not exceed $ 1,500 in equity value. If the agreement exceeds $ 1,500 in equity value, then any value in excess of $ 1,500 shall be counted towards the household's resource limit;

6. The cash value of life insurance policies;

7. The cash value of pension plans or funds, only if the funds remain in the pension plans.

i. Keogh plans that involve no contractual relationship with individuals who are not nonhousehold members and IRAs shall not be excluded.

ii. Keogh plans involving a contractual relationship with a nonhousehold member (such as Keogh plans established for the self-employed person(s) and employees) shall be excluded. However, if the Keogh plan is such that individual participants

may make withdrawals without affecting the other parties in any way (for example, without any contractual obligation to the other participants), the household member's funds in the Keogh plan will be counted as a resource;

8. Property that annually produces income consistent with its fair market value, even if used only on a seasonal basis. Such property shall include rental and vacation homes;

9. Property, such as farm land, that is essential to the employment or self-employment of a household member. Property essential to the self-employment of a household member engaged in farming shall continue to be excluded for one year from the date the household member terminates his or her self-employment from farming;

10. Work-related equipment, such as the tools of a tradesman or the machinery of a farmer, that is essential to the employment or self-employment of a household member;

11. Installment contracts for the sale of land or buildings if the contract or agreement is producing income consistent with its fair market value. The exclusion shall also apply to the value of any property sold under contract, or held as security in exchange for a purchase price consistent with the fair market value of that property;

12. Any governmental payments that are designated for the restoration of a home damaged in a disaster, if the household is subject to a legal sanction if the funds are not used as intended. For example, payments made by HUD through the individual and family grant program or disaster loans or grants made by the Small Business Administration, shall be excluded;

13. Resources having a cash value that is not accessible to the household, such as, but not limited to, irrevocable trust funds (see (a)14 below for treatment of irrevocable trusts), security deposits on rental property or utilities, property in probate and real property, which the household is making a good faith effort to sell at a reasonable price and which has not been sold.

i. The CSSA shall verify that the property is actually for sale and that the household has not declined a reasonable offer. Verification may be obtained through a collateral contact or documentation, such as an advertisement for public sale in a newspaper of general circulation or a listing with a real estate broker.

ii. Non-liquid asset(s) against which a lien has been placed as a result of taking out a business loan and the household is prohibited by the security or lien agreement with the creditor from selling the asset(s), shall be excluded.

iii. If the sale or other disposition of a resource is unlikely to produce any significant amount of funds for the support of the household, the resource shall be considered inaccessible. The CSSA is not required to verify that a resource is inaccessible unless the information provided by the household is questionable;

14. Any funds held in a trust or transferred to a trust, and the income produced by that trust, to the extent it is not available to the household, shall be considered inaccessible if all of the following criteria apply:

i. The trustee administering the funds is either:

(1) A court or an institution, corporation or organization, which is not under the direction or ownership of any household member; or

(2) An individual (who may be a household member) appointed by the court who has court-imposed limitations placed on his or her use of the funds that meet the requirements of this paragraph;

ii. The funds held in an irrevocable trust are either:

(1) Established from the household's own funds, if the trustee uses the funds solely to make investments on behalf of the trust or to pay the educational or medical expenses of any person named by the household creating the trust; or

(2) Established from nonhousehold funds by a nonhousehold member;

iii. Trust investments made on behalf of the trust do not directly involve or assist any business or corporation under the control, direction or influence of a household member;

iv. The trust arrangement is not likely to cease during the certification period; and

v. No household member has the power to revoke the trust arrangement or change the name of the beneficiary during the certification period;

15. Resources, such as those of students or self-employed persons, that have been counted as income (see *N.J.A.C. 10:87-5.4(a)*);

16. Indian lands held jointly with the Tribe, or land that can be sold only with the approval of the Bureau of Indian Affairs;

17. Resources that are excluded for NJ SNAP purposes by express provision of Federal statute. The following is a listing of resources excluded by Federal statute:

i. Benefits received from the Special Supplemental Food Program for Women, Infants and Children (P.L. 92-433);

ii. Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (P.L. 91-646);

iii. Payments received from the disposition of funds to the Grand River Band of Ottawa Indians (P.L. 94-540);

iv. Payments received under the Alaska Native Claims Settlement Act (Public Law 92-203) or the Sac and Fox Indian Claims Agreement (P.L. 94-189);

v. Payments received by certain Indian tribal members regarding submarginal land held in trust by the United States (P.L. 94-114);

vi. Payments received from the Energy Crisis Assistance and Crisis Intervention Programs administered by the Community Service Administration;

vii. Payments or allowances made under any Federal law for the purpose of energy assistance. In order to qualify for this exclusion, the payments or allowances must be clearly identified as energy assistance by the legislative body

authorizing the program or the funds. Home Energy Assistance payments, as well as Federal or State onetime payments for weatherization, or emergency repair or replacement of heating or cooling devices qualify for this exclusion;

viii. Payments received by the Confederated Tribes and Bands of the Yakima Indian Nation and the Apache Tribe of the Mescalero Reservation from the Indian Claims Commission (P.L. 95-433);

ix. Payments to the Passamaquoddy Tribe and the Penobscot Nation or any of their members received pursuant to the Maine Indian Claims Settlement Act of 1980 (P.L. 96-420);

x. Payments for relocation assistance to members of the Hopi and Navajo Tribes. Such payments shall be excluded from both resources and income (P.L. 93-531);

xi. Earned income tax credits received either as a lump sum or as payments under *Section 3507 of the Internal Revenue Code*. These shall be excluded for 12 months, provided that the household was participating in the NJ SNAP program at the time of receipt of the earned income tax credit, and provided the household participates continuously during that 12-month period. Breaks in participation of one month or less due to administrative reasons, such as delayed certification, shall not be considered as non participation in determining the 12-month period;

xii. Payments received under the Civil Liberties Act of 1988 (P.L. 100-383);

xiii. Resources of a household member receiving WFNJ/TANF and/or SSI benefits;

xiv. Resources of a household member that are placed in a Plan for Achieving Self-Support account;

xv. Payments received under the Radiation Exposure Compensation Act (P.L. 100-426);

xvi. All payments from the Agent Orange Compensation Exclusion Act (P.L. 101-201), retroactive to January 1, 1989. Payments made from the Agent Orange settlement fund under section 10405 of P.L. 101-239 are also excluded. Veteran's benefits authorized under the Agent Orange Act of 1991 (P.L. 102-4) are not excluded by law;

xvii. Payments made under the Crime Act of 1984 to victims of crime (P.L. 103-322);

xviii. Payments made under Section 421 of P.L. 104-204 for children of Vietnam veterans who are born with spina bifida; and

xix. Payments made under the Nazi Persecution Crimes Act;

18. HUD retroactive tax and utility cost subsidy payments issued pursuant to settlement of *Underwood v. Harris*, No. 76-469 (D.D.C. Apr. 5, 1979) (Order Approving Stipulation of Settlement) against HUD, for the month in which the payment was received and for the following month;

19. Where an exclusion applies because of use of a resource by or for a household member, the exclusion shall also apply when the resource is being used by or for an ineligible alien or disqualified person whose resources are being counted as part of the household's resources (see *N.J.A.C. 10:87-4.7*);

20. Funds held in an Individual Development Account (P.L. 2001, c. 93); and

21. Education Retirement Accounts.

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§ 10:87-4.9 Treatment of excluded funds

(a) Any monies excluded by the provisions of *N.J.A.C. 10:87-4.8* shall retain the resource exclusion for an unlimited period of time, so long as such monies are kept in a separate account and not commingled in an account with nonexcluded funds.

(b) The resources of students and self-employed persons that are excluded as provided in *N.J.A.C. 10:87-4.8(a)*15 and are commingled in an account with nonexcluded funds shall retain their exclusion for the period of time over which they have been prorated as income. All other excluded monies that are commingled in an account with nonexcluded funds shall retain their exclusion for six months from the date they are commingled. After six months from the date of commingling, all funds in the commingled account shall be counted as a resource.

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§ 10:87-4.10 Value of resources

The value of a nonexempt resource shall be its equity value. The equity value is the fair market value less encumbrances. When necessary, the value of resources shall be determined by consulting sources knowledgeable as to the value of such resources. The source and result of any such verification shall be documented in the case record.

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§ 10:87-4.11 Maximum allowable resources

(a) The maximum allowable resources, including both liquid and non-liquid assets of all members of the household, shall not exceed $ 2,000 for the household; except that for households including a member or members aged 60 or over, such resources shall not exceed $ 3,000.

(b) If the household's non-excludable resources exceed the above amounts at any point in time, the household's participation in the program shall be denied or terminated.

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§ 10:87-4.12 Transfer of resources

At the time of application, households shall be asked to provide information regarding any resources that any household member (or excluded household member whose resources are being considered available to the household) has transferred within the three-month period immediately preceding the date of application.

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§ 10:87-4.13 Disqualification

Households that have transferred resources knowingly for the purpose of qualifying or attempting to qualify for NJ SNAP benefits shall be disqualified for up to one year (see schedule at *N.J.A.C. 10:87-4.17*) from the date of discovery of the transfer. This disqualification period shall be applied if the resources are transferred knowingly in the three-month period prior to application or if they are transferred knowingly after the household is determined eligible for benefits. An example of the latter would be assets that the household acquires after being certified for benefits and that are then transferred to prevent the household from exceeding the maximum resource limit.

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§ 10:87-4.14 Transfers not subject to disqualification

(a) Eligibility for the program will not be affected by the following transfers:

1. Resources that would not otherwise affect eligibility, for example, resources consisting of excluded personal property, such as furniture or money that, when added to other nonexcluded household resources, totaled less than the allowable resource limit at the time of the transfer;

2. Resources that are sold or traded at, or near, fair market value;

3. Resources that are transferred between members of the same household (including excluded household members whose resources are being considered available to the household); or

4. Resources that are transferred for reasons other than qualifying or attempting to qualify for NJ SNAP benefits (for example, a parent placing funds into an educational trust fund, as in *N.J.A.C. 10:87-4.8(a)*).

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§ 10:87-4.15 Notice to applicant household

In the event that the CSSA establishes that an applicant household has knowingly transferred resources for the purpose of qualifying or attempting to qualify for NJ SNAP benefits, the household shall be sent a notice of denial explaining the reason for and length of disqualification. The period of disqualification shall begin in the month of application.

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§ 10:87-4.16 Notice to participating household

If the household is participating at the time of the discovery of the transfer, a notice of adverse action explaining the reason for and length of disqualification shall be sent. The period of disqualification shall be made effective with the first allotment to be issued after the notice of adverse action period has expired, unless the household has requested a fair hearing and continued benefits.

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§ 10:87-4.17 Period of disqualification

The length of the disqualification period shall be based on the amount by which nonexempt transferred resources, when added to other countable resources, exceed the allowable limits.

Disqualification Period Chart

Amount in Excess of the Period of Household

Resource Limit	Disqualification
$ 0.01 - $ 249.99	1 month
250 - 999.99	3 months
1,000 - 2,999.99	6 months
3,000 - 4,999.99	9 months
5,000 and over	12 months

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N.J.A.C. 10:87-5.1

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§ 10:87-5.1 Applicability

(a) All households that do not contain an elderly or disabled member, shall meet both the net and gross income eligibility standards set forth in *N.J.A.C. 10:87-12.3* and *12.4*, respectively, in order to be eligible for program participation, with the exception of (b) below. Households that contain an elderly or disabled member shall meet the net income eligibility standards in *N.J.A.C. 10:87-12.3*. Net NJ SNAP income shall be determined in accordance with procedures contained in this subchapter.

(b) Households that are categorically eligible as defined at *N.J.A.C. 10:87-2.32* and *2.35* do not have to meet either the gross or net income eligibility standards.

(c) Households that are eligible for expanded categorical eligibility only have to meet the gross income test.

History

HISTORY:

Amended by R.1984 d.17, effective February 6, 1984.

See: 15 N.J.R. 1821(a), 16 N.J.R. 246(a).

Reference to meeting net and gross income eligibility.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

In (a): deleted language "including those in which all members are recipients of public assistance" describing households.

Added text with reference to exception of subsection (b).

Amended by R.1993 d.62, effective February 1, 1993.

See: 24 N.J.R. 3207(b), 25 N.J.R. 584(a).

In (b), added *N.J.A.C. 10:87-2.39*.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (b), amended the N.J.A.C. references.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

In (a), substituted "that" for "which" twice, and substituted "NJ SNAP" for "food stamp"; and added (c).

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§ 10:87-5.2 Responsibilities regarding the reporting of income

(a) Responsibilities for the reporting of income shall be as follows:

1. At the time of certification or recertification, the applicant shall report all income currently being received by all members of the household and any income changes or additions which the household anticipates during the course of the certification period. The applicant also has the responsibility of reporting changes in circumstances, in accordance with *N.J.A.C. 10:87-9.5*, during the certification period.

2. The CSSA shall determine that the total income to the household, as reported by the applicant during the certification or recertification interview, is completely identified on the NJ SNAP application, and in sufficient detail to permit verification (see also *N.J.A.C. 10:87-2.19(b)*).

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

In (a)2: revised reference to *N.J.A.C. 10:87-2.20(b)*.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (a), rewrote the section.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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§ 10:87-5.3 Income defined

Household income shall be defined as all income from whatever source unless such income is specifically excluded under the provisions of *N.J.A.C. 10:87-5.9*.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 New Jersey Register 2689(a), 21 New Jersey Register 511(b).

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N.J.A.C. 10:87-5.4

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§ 10:87-5.4 Earned income

(a) For the purposes of determining net NJ SNAP income, earned income shall include the following:

1. All wages and salaries received as compensation for services performed as an employee;

2. When the earned income of one or more household members and the earned income of a nonhousehold member are combined into one wage, the income of the household member shall be determined as follows:

i. If the household's share can be identified, the CSSA shall count that portion as earned income to the household; or

ii. If the household's share cannot be identified, the CSSA shall prorate the earned income among those persons it was intended to cover and count that prorated share as earned income to the household;

3. The gross income from a self-employment enterprise, including the total gain from the sale of any capital goods or equipment related to the business (see *N.J.A.C. 10:87-5.9(a)*14).

i. Ownership of rental property shall be considered a self-employment enterprise. However, income derived from the rental property shall be considered earned income only if a member of the household is actively engaged in the management of the property for an average of at least 20 hours per week (see also *N.J.A.C. 10:87-5.5(a)*3).

ii. Payments received from a roomer or boarder shall be considered self-employment income, except income from foster care boarders, in accordance with *N.J.A.C. 10:87-5.9(a)*11ii;

4. Training allowances from vocational and rehabilitative programs recognized by Federal, State, or local governments, to the extent they are not a reimbursement (see *N.J.A.C. 10:87-5.9(a)*9iii(1));

5. Payments to volunteers under Title I (VISTA, University Year for Action and so forth) of the Domestic Volunteer Service Act of 1973 (P.L. 93-113) shall be considered earned income and subject to the earned income deduction specified at *N.J.A.C.*

*10:87-5.10(a)*2, excluding payments to households as set forth at *N.J.A.C. 10:87-5.9(a)*16iii;

6. Earnings to individuals who are participating in on-the-job training programs under the Workforce Investment Act per *7 CFR 273.9(b)(1)(v)*. This provision does not apply to household members under 19 years of age who are under the parental control of another adult member, regardless of school attendance and/or enrollment. For the purpose of this provision, earnings include monies paid under the Workforce Investment Act and monies paid by the employer;

7. Educational assistance that has a work requirement (such as work study, or an assistantship or fellowship with a work requirement), and which is not excluded under *N.J.A.C. 10:87-5.11*, shall be treated as earned income; and

8. Military personnel income monies that are actually made available to the applicant or participating NJ SNAP household by the absent military family member are counted as income for NJ SNAP program purposes.

History

HISTORY:

Amended by R.1983 d.223, effective May 3, 1983.

See: 15 N.J.R. 629(a), 15 N.J.R. 1033(a).

Originally adopted as an Emergency Rule, R.1983 d.116, eff. March 31, 1983, operative April 1, 1983. The amendment is pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

Combined income of household and nonhousehold members explained at (a)2; 2 and 3 renumbered 3 and 4.

Amended by R.1984 d.17, effective February 6, 1984.

See: 15 N.J.R. 1821(a), 16 N.J.R. 246(a).

(a)5; payment to volunteers added.

Correction: Added material missing in (a) and (a)5.

See: 18 N.J.R. 1414(a).

Emergency Amendment and Concurrent Proposal, R.1986 d.297, effective June 30, 1986 (operative July 1, 1986).

See: 18 N.J.R. 1490(a).

(a)1i deleted from section.

Readopted Concurrent Proposal, R.1986 d.395, effective October 6, 1986.

See: 18 N.J.R. 1490(a), 18 N.J.R. 2015(c).

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

In (a)6: added text to specify programs administered under JTPA, Section 204(5).

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (a), added 7.

Amended by R.1999 d.6, effective January 4, 1999.

See: *30 N.J.R. 3451(a)*, *31 N.J.R. 69(a)*.

In (a)4, deleted a reference to WIN and REACH.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Deleted the introductory phrases throughout and rewrote (a)6.

Amended by R.2009 d.94, effective March 16, 2009.

See: *40 N.J.R. 5932(a)*, *41 N.J.R. 1245(b)*.

In the introductory paragraph of (a)3, substitute a period for a semicolon at the end; and in (a)3ii, substituted ", except income from foster care boarders, in accordance with *N.J.A.C. 10:87-5.9(a)*10ii;" for a period at the end.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

In the introductory paragraph of (a), substituted "NJ SNAP" for "food stamp"; in (a)5, deleted a comma following "Action", and updated the N.J.A.C. reference at the end; in (a)6, substituted "CFR" for "C.F.R."; in (a)7, substituted "that" for "which" and "; and" for a period at the end; and added (a)8.

Administrative correction.

See: *50 N.J.R. 1814(c)*.

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§ 10:87-5.5 Unearned income

(a) For the purposes of determining net NJ SNAP income, unearned income shall include, but not be limited to:

1. Assistance payments from Federal or Federally aided public assistance programs such as SSI or WFNJ/TANF and WFNJ/GA program payments, or other assistance programs based on need. Such assistance is considered to be unearned income even if provided in the form of a vendor payment to a third party on behalf of the household, unless specifically exempt as countable income under the provisions at *N.J.A.C. 10:87-5.9(a)*1 and 2.

i. All assistance payments from programs which require, as a condition of eligibility, the actual performance of work, without compensation other than the assistance payments themselves, shall be considered unearned income;

2. Annuities, pensions, retirement benefits, veteran's benefits, old-age, survivors, or disability benefits, workman's compensation, unemployment compensation, including any amount deducted to repay an IPV violation, Social Security benefits, strike benefits, and foster care payments for children or adults provided that the foster child or adult is included in the household;

3. Gross income (minus the cost of doing business) derived from rental property in which a household member is not actively engaged in management of the property at least 20 hours a week (see *N.J.A.C. 10:87-5.4(a)*3i);

4. Scholarships, educational grants, deferred payment loans for education, veteran's educational benefits and the like in excess of amounts excluded at *N.J.A.C. 10:87-5.9(a)*7. Educational assistance with a work requirement is not considered unearned income;

5. Support and alimony payments made directly to the household from nonhousehold members. Non-recurring arrearages on child support and alimony payments made directly to the household are considered lump sum payments. Recurring court-ordered arrearages on child support and alimony payments made directly to the household are considered as unearned income;

6. Payments from Federal, State, or local government-sponsored programs which can be construed to be a gain or benefit;

7. Payments in the form of dividends, interest, and royalties;

8. Monies that are withdrawn or dividends that are or could be received by a household from trust funds.

i. Trust withdrawals shall be considered income in the month received unless excluded in accordance with *N.J.A.C. 10:87-5.9*.

ii. Dividends which the household has the option of either receiving as income or reinvesting in the trust are to be considered income in the month they become available to the household unless excluded in accordance with *N.J.A.C. 10:87-5.9*;

9. All other direct money payments from any source which can be construed to be a gain or benefit to the household;

10. Income deemed to an alien age 18 or older from his or her sponsor in accordance with *N.J.A.C. 10:87-7.11*; and

11. Foster care payment received by the household for a foster care child whom the household has opted to include in the NJ SNAP household.

History

HISTORY:

Amended by R.1983 d.121, effective April 4, 1983.

See: 15 N.J.R. 247(a), 15 N.J.R. 625(b).

Originally adopted as an Emergency Rule, R.1983 d.38, eff. January 31, 1983. The amendment was pursuant to the Omnibus Budget Reconciliation Act of 1982 (P.L. 97-253) and the Food Stamp and Commodity Distribution Amendments of 1981 (P.L. 97-98, Title 13).

Amended by R.1983 d.141, effective May 2, 1983.

See: 15 N.J.R. 212(b), 15 N.J.R. 692(b).

Trust withdrawal and dividends added to list of unearned income at (a)8; 8 renumbered 9.

Emergency Amendment and Concurrent Proposal, R.1986 d.297, effective June 30, 1986 (operative July 1, 1986).

See: 18 N.J.R. 1490(a).

(a)1i added.

Readopted Concurrent Proposal, R.1986 d.395, effective October 6, 1986.

See: 18 N.J.R. 1490(a), 18 N.J.R. 2015(c).

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1991 d.247, effective May 6, 1991.

See: 23 N.J.R. 179(a), 23 N.J.R. 1412(b).

In (a)2: added phrase, ". . . provided that the foster . . . in the household;"

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (a)4, deleted a reference to fellowships, and inserted "other than educational assistance with a work requirement" following "the like".

Amended by R.1999 d.6, effective January 4, 1999.

See: *30 N.J.R. 3451(a)*, *31 N.J.R. 69(a)*.

In (a)1, substituted a reference to WFNJ/TANF and WFNJ/GA for a reference to AFDC and General Assistance in the introductory paragraph, and deleted a reference to GAEP in i.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section.

Amended by R.2009 d.94, effective March 16, 2009.

See: *40 N.J.R. 5932(a)*, *41 N.J.R. 1245(b)*.

In the introductory paragraph of (a)1 and of (a)8, and in (a)8i, substituted a period for a semicolon at the end; in (a)1i, substituted a semicolon for a period at the end; in (a)5, substituted a period for a semicolon at the end of the first sentence and inserted the last two sentences; in (a)8, inserted commas following "Monies", "dividends" and "funds", and inserted a closing parenthesis following the N.J.A.C. reference; in (a)10, substituted "; and" for a period at the end; and added (a)11.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

In the introductory paragraph of (a) and in (a)11, substituted "NJ SNAP" for "food stamp"; rewrote (a)4; in (a)5, deleted "in accordance with *N.J.A.C. 10:87-6.9(d)*2" at the end of the second sentence; in (a)8, substituted "that" for ", which" twice, and deleted ", which are considered to be excludable resources (see *N.J.A.C. 10:87-4.8(a)*14)" following "funds"; and in (a)11, deleted "for" following "child" and substituted "include" for "be included".

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N.J.A.C. 10:87-5.6

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 57 No. 19, October 6, 2025

NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 87. NEW JERSEY SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (NJ SNAP) MANUAL > SUBCHAPTER 5. FINANCIAL ELIGIBILITY; INCOME

§ 10:87-5.6 Income of excluded individuals

(a) The earned or unearned income of an individual disqualified from the household for intentional program violation as set forth at N.J.A.C. 10:87-11 or who refuses to comply with a work registration requirement shall continue to be attributed in its entirety to the remaining household members (see *N.J.A.C. 10:87-7.7(b)*).

(b) The earned or unearned income of individuals excluded from the household for failing to comply with the requirement to provide a Social Security number (see *N.J.A.C. 10:87-2.19(h)* or for being an ineligible alien (see *N.J.A.C. 10:87-3.8(a)* et seq. for listing of eligible aliens) or for having questionable citizenship status (see *N.J.A.C. 10:87-2.20(b)*) shall continue to be counted as income, less the pro rata share for that individual, to the remaining household members. Procedures for calculating this pro rata share are described at *N.J.A.C. 10:87-7.7*.

History

HISTORY:

Amended by R.1981 d.87, effective April 9, 1981.

See: 13 New Jersey Register 96(c), 13 New Jersey Register 228(a).

Delete "or for failure ... N.J.A.C. 10:87-3.20(e)."

Amended by R.1983 d.223, effective May 31, 1983.

See: 15 New Jersey Register 629(a), 15 New Jersey Register 1033(a).

Originally adopted as an Emergency Rule, R.1983 d.116, effective March 31, 1983, operative April 1, 1983. The amendment is pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

"Disqualified" changed to "excluded" individuals; distinction made between intentional program violation and other causes for exclusion.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 New Jersey Register 2689(a), 21 New Jersey Register 511(b).

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 New Jersey Register 139(a), 22 New Jersey Register 1599(a).

In (b): revised N.J.A.C. references to conform with recodification.

Amended by R.1991 d.247, effective May 6, 1991.

See: 23 New Jersey Register 179(a), 23 New Jersey Register 1412(b).

In (a): added phrase "... or refusal to comply with a work registration requirement ...".

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Rewrote the section.

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N.J.A.C. 10:87-5.7

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§ 10:87-5.7 Special income situations

(a) Moneys withheld from earned income, or other income source, or moneys received from any income source (except as specified in (c) below) which are voluntarily or involuntarily returned to repay a prior overpayment that is not excludable under *N.J.A.C. 10:87-5.6* shall not be counted as income. Moneys withheld from an assistance grant to repay a prior overpayment that is the result of an inadvertent client error or agency error shall not be counted as income.

(b) Child Support under Title IV-D shall be treated as follows:

1. Title IV-D child support payments shall be excluded from the NJ SNAP eligibility determination and benefit calculation process, provided that those payments shall be assigned to the CSSA. Note that this income exclusion shall not apply, however, to child support payments which are not assigned to the CSSA. Child support which the household is not required to remit to the CSSA shall be considered as unearned income for NJ SNAP purposes.

2. An amount up to the first $ 100.00 per month of child support payments received for an WFNJ family through the child support and paternity (Title IV-D) process is disregarded in the WFNJ program and is paid to the WFNJ family in the form of disregarded child support (DCS) payment. The amount of the DCS payment shall be counted as unearned income for NJ SNAP purposes in accordance with *N.J.A.C. 10:87-5.5(a)*5, as are any child support payments received directly by a NJ SNAP household. DCS payments which are intended for a prior month shall be excluded under *N.J.A.C. 10:87-5.9*.

(c) The rules for failure to comply with public assistance (PA) program requirements (also known as "The Riverside Rule") ban an increase in NJ SNAP program benefits when income from the WFNJ/TANF/GA programs is decreased (reduced or suspended) as a result of failure to comply with a program requirement and a sanction has been imposed.

1. The CSSA shall apply the Riverside Rule when an individual commits an act of noncompliance in the WFNJ/TANF/GA programs and it results in a sanctioning of that individual, regardless of whether or not there is a disqualification in the NJ SNAP program.

2. The CSSA shall apply the Riverside Rule if an individual commits an act of fraud in the WFNJ/TANF/GA programs and it has been determined that an IPV exists.

i. The Riverside Rule shall also apply when an IPV has been committed, which results in a sanction.

3. The PA amount to be considered as income for NJ SNAP purposes shall be the pre-sanction amount. This pre-sanction amount shall be used until the sanction is removed.

i. If a new member is added to the PA household during the period of sanction, the TANF grant increases and the calculation of NJ SNAP benefits shall be based on the new TANF grant amount as the TANF countable income. The new member added to the PA household will also increase the NJ SNAP benefit amount since the new person is also added to the NJ SNAP household.

4. The Riverside Rule shall be applied during the full period of the PA sanction.

5. In the event that the Riverside Rule is invoked and the household's PA is terminated, in order to receive NJ SNAP benefits, the household shall apply for non-public assistance NJ SNAP benefits.

6. In multi-person households, if the individual who committed the act of noncompliance leaves the household's residence, the Riverside Rule penalty shall continue to apply to the noncompliant individual until the sanction period ends. The Riverside Rule penalty shall not be applied to any remaining household members.

7. The Riverside Rule shall not apply to individuals who fail to comply with a PA program requirement at the time of application and, thus, are never issued a PA benefit.

8. The CSSA shall not apply the Riverside Rule and shall not count as income monies withheld from an assistance grant to repay a prior overpayment that is the result of an inadvertent household error or agency error.

i. Monies withheld from an assistance grant due to an IPV shall invoke the Riverside Rule.

9. The Riverside Rule does not apply to Supplemental Living Support payments.

10. If the CSSA is not successful in obtaining the necessary cooperation from a municipal welfare agency to enable it to comply with the requirements of this provision, the CSSA shall not be held responsible for noncompliance as long as the CSSA has made a good faith effort to obtain information regarding a noncompliance. Attempts to obtain information from the appropriate agency shall be documented in the case record.

(d) The following are good cause reasons for not applying the Riverside Rule. The ban on increasing benefits does not apply under these circumstances.

1. Clients whose WFNJ/TANF or WFNJ/GA benefits are terminated;

2. Clients fail to reapply or to complete the reapplication process for continued WFNJ cash assistance;

3. Clients fail to perform a purely procedural requirement, such as failing to sign an application; or

4. Clients fail to perform a required action because they are unable to complete the action through no fault of their own.

History

HISTORY:

Emergency amendment, R.1985 d.178, effective March 25, 1985 (operative April 1, 1985, expiration date May 24, 1985).

See: 17 N.J.R. 986(a).

Readopted by R.1985 d.313, effective May 28, 1985.

See: 17 N.J.R. 986(a), 17 N.J.R. 1567(a).

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (b) and (c), substituted references to WFNJ for references to AFDC and GA throughout; in (b)1, substituted a reference to administrative determination for a reference to determination; in (c)1, added iii; rewrote (d); and added (e).

Amended by R.1999 d.6, effective January 4, 1999.

See: *30 N.J.R. 3451(a)*, *31 N.J.R. 69(a)*.

In (c), substituted references to SSI and WFNJ for references to AFDC, SSI and GA.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

Rewrote (c).

Amended by R.2009 d.94, effective March 16, 2009.

See: *40 N.J.R. 5932(a)*, *41 N.J.R. 1245(b)*.

In the introductory paragraph of (c), substituted "or suspended" for ", suspended or terminated"; in (c)2i, inserted a comma following "committed" and deleted "and the closure of a

case" from the end; in (c)4, deleted the last sentence; in the introductory paragraph of (c)5, deleted "and the Riverside Rule penalty shall apply for three months after the termination of PA benefits" from the end; deleted (c)5i; and in (d)1, deleted "due to the five-year time limit on eligibility" from the end.

Amended by R.2009 d.135, effective April 20, 2009.

See: *40 N.J.R. 5501(a)*, *41 N.J.R. 1861(a)*.

In (b)2, substituted "$ 100.00" for "$ 50.00".

Administrative change.

See: *44 N.J.R. 1529(a)*.

Amended by R.2025 d.108, effective September 15, 2025.

See: *57 N.J.R. 647(a)*, *57 N.J.R. 2267(a)*.

In (c)3i, deleted the last sentence; deleted former (d)2, and recodified (d)3 through (d)5 as (d)2 through (d)4.

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N.J.A.C. 10:87-5.8

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 87. NEW JERSEY SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (NJ SNAP) MANUAL > SUBCHAPTER 5. FINANCIAL ELIGIBILITY; INCOME

§ 10:87-5.8 Income exclusions

Income which is classified as an exclusion shall not be considered for purposes of determining net or gross NJ SNAP income.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

Substituted a reference to gross food stamp income for a reference to food stamp income.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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End of Document

§ 10:87-5.9 Identification of income exclusions

(a) Only the following shall be excluded from household income; no other income shall be excluded:

1. Any gain or benefit, which is not in the form of money payable directly to the household shall be excluded, including non-monetary or in-kind benefits such as meals, clothing, public housing or produce from a garden;

2. A payment made in money on behalf of a household shall be considered a vendor payment when a person or organization outside of the household used its own funds to make a direct payment to either the household's creditors or a person or organization providing a service to the household. For example, if a relative or friend who is not a household member pays the household's rent directly to the landlord, the payment is considered a vendor payment and is not counted as income to the household.

i. Rent or mortgage payments made to landlords or mortgagees by HUD, or by any State or local housing authority, are vendor payments and are excluded.

ii. Payments by a government agency to a child care institution to provide day care for a household member are excluded as vendor payments.

iii. Payments of money which are not made to a third party, but are made directly to a household, are counted as income and are not excluded as vendor payments.

iv. Moneys which are legally obligated and otherwise payable to the household but which are diverted by the provider of the payment to a third party for a household expense shall be counted as income and not excluded as a vendor payment. The distinction is whether or not the person or organization making the payment of behalf of the household is using funds which otherwise would have to be paid to the household. Such funds include wages earned by a household member and therefore owed to the household, a public assistance grant to which the household is legally entitled, support and alimony payments in amounts which legally must be paid to a household member, and student educational assistance that is provided on behalf of the household to a third party for living expenses.

(1) If any employer, agency, former spouse, or other person who owes these funds to a household diverts them instead to a third party to pay for a

household expense, these payments shall be counted as income to the household. Diverted educational assistance payments made to the household for living expenses shall also be counted.

(2) If an employer, agency, former spouse, or other person makes payments for household expenses to a third party from funds not owed to the household, these payments shall be considered as vendor payments and thus excluded. Examples are as follows:

(A) Example A: Wages earned by the household member that are garnished or diverted by an employer and paid to a third party for a household's expenses, such as rent, shall be considered income. However, if the employer pays a household's rent directly to the landlord in addition to paying the household its regular wages, this rent payment shall be considered a vendor payment and thus excluded. In addition, if the employer provides housing to an employee, the value of the housing shall not be counted as income.

(B) Example B: All or part of a public assistance grant which would normally be provided in a money payment to the household, but which was diverted to third parties or to a protective payee for purposes such as managing a household's expenses, shall be considered income to the household. However, payments by the CSSA that would not normally be provided in a money payment to the household, and that are over and above normal public assistance grants, shall be considered as a vendor payment and thus excluded if they are made directly to a third party for a household expense. This rule applies even if the household has the option of receiving a direct cash payment.

(C) Example C: Money deducted or diverted from a court-ordered support or alimony payment (or other binding written support or alimony agreement) to a third party for a household expense shall be considered as income. However, payments specified by the court order or other legally binding agreement to go directly to the third party rather than to the household, and support payments not required by a court order or other legally binding agreement (including payments in excess of the amount specified in a court order or written agreement) which are paid to a third party rather, than the household shall be considered as a vendor payment and thus excluded, even if the household agrees to the arrangement.

v. An emergency PA or GA payment provided to a third party on behalf of a household containing a migrant or seasonal farmworker shall be treated as an excluded vendor payment, provided that the farmworker is in the jobstream;

3. Utility allowance payments, rebates and reimbursements to the individual, the utility or the landlord are excluded from countable income.

i. When a public housing authority receives a household's HUD utility allowance and applies it toward the household's rent, the "net" rent that the household must pay shall be considered the rental expense for NJ SNAP purposes. The HUD utility

allowance, in this case, shall not be considered when determining (per *N.J.A.C. 10:87-5.10(a)*7iv(6)) whether the household is entitled to a HCSUA or LUA;

4. A WFNJ payment, which is not made directly to the household, but paid to a third party on behalf of the household to pay a household expense, shall be considered an excludable vendor payment and not counted as income to the household, if the payment is for:

i. Medical assistance;

ii. Child care assistance;

iii. WFNJ emergency assistance (including, but not limited to housing and transportation payments) for migrant or seasonal farmworker households while they are in the job stream;

iv. WFNJ/GA housing assistance from a State or local housing authority;

v. WFNJ/GA assistance which cannot be made directly to the household in the form of cash; or

vi. WFNJ emergency and special assistance provided to a third party on behalf of a household, which is not otherwise specifically excluded from countable income. To be considered emergency or special assistance under this provision, the assistance must be provided over and above the normal WFNJ grant, or cannot be provided as part of the WFNJ grant;

5. Cash donations based on need which were received on or after February 1, 1988 from private nonprofit charitable organizations that do not exceed $ 300.00 in a Federal fiscal year quarter;

6. Any income in the certification period which is received too infrequently or irregularly to be reasonably and anticipated but not in excess of $ 30.00 in a calendar quarter, shall be excluded;

7. Educational loans on which payment is deferred, grants, work study, scholarships, fellowships, veteran's educational benefits and the like shall be excluded, provided it meets the criteria at *N.J.A.C. 10:87-5.11*;

8. All loans, including loans from private individuals, as well as commercial institutions, are excluded from income. Educational loans in which repayment is deferred shall be excluded in accordance with *N.J.A.C. 10:87-5.11*. Any loan on which repayment must begin within 60 days after receipt of the loan shall not be considered a deferred repayment loan.

i. Reverse mortgages are considered loans and are therefore excluded as income. However, once these funds are placed in an account, they become an available resource;

9. Reimbursements for past or future expenses shall be excluded to the extent that they do not exceed actual expenses and do not represent a gain or benefit to the household. Reimbursements for normal household living expenses, such as rent or

mortgage payments, personal clothing or food eaten at home are a gain or benefit and are not excluded.

i. In order to be excluded, reimbursements must be provided specifically for an identified expense other than normal living expenses and used for the purpose intended. When a reimbursement, including a flat allowance, covers multiple expenses, each expense does not have to be separately identified as long as none of the reimbursement covers normal living expenses.

ii. That amount of a reimbursement which exceeds the actual incurred expenses shall be counted as unearned income. However, reimbursements shall not be considered to exceed actual expenses unless the provider or the household indicates the amount is excessive.

iii. Examples of excludable reimbursements that are not considered to be a gain or benefit to the household are:

(1) Reimbursements or flat allowances for job or training related expenses such as travel, per diem, uniforms, and transportation to and from the job or training site. Reimbursements which are provided over and above the basic wages for these expenses are excluded; however, these expenses, if not reimbursed, are not otherwise deductible. Reimbursements for travel expenses incurred by migrant workers are also excluded.

(2) Reimbursements for out-of-pocket expenses of volunteers incurred in the course of their work.

(3) Medical or dependent care reimbursements.

(4) Reimbursements received by households to pay for services provided by Title XX of the Social Security Act (social services).

(5) Any allowance a county agency provides no more frequently than annually for children's clothes when the children enter or return to school or day care, provided the county agency does not reduce the monthly WFNJ/TANF payment for the month in which the school clothes allowance is provided. County agencies are not required to verify attendance at school or day care.

(6) Reimbursements made to the household at *N.J.A.C. 10:87-10.15* for expenses necessary for participation in an education component under the NJ SNAP ETP.

iv. The following shall not be considered as excludable reimbursements:

(1) No portion of benefits provided under Title IV-A of the Social Security Act, to the extent that such benefits are attributed to an adjustment for work-related or child care expenses (except for payments or reimbursements for such expenses made under an employment, education or training program initiated under Title IV-A after September 19, 1988) shall be considered excludable; and

(2) No portion of any educational assistance that is provided for normal living expenses (room and board) shall be considered a reimbursement excludable;

10. Arrearages on child support and alimony payments made to the household from a non-household member in the form of a one-time payment shall be excluded as unearned income and treated as a lump-sum payment in accordance with *N.J.A.C. 10:87-6.9(d)*2;

11. Money received and used for the care and maintenance of a third-party beneficiary who is not a household member shall be excluded.

i. If the intended beneficiaries of a single payment are both household and nonhousehold members, any identifiable portion of the payment intended and used for the care and maintenance of the nonhousehold member shall be excluded. If the nonhousehold member's portion cannot be readily identified, the payment shall be evenly prorated among intended beneficiaries and the exclusion applied to the nonhousehold member's pro rata share or the amount actually used for the nonhousehold member's care and maintenance, whichever is less.

ii. A foster care payment or a kinship payment shall not be considered as income to the household when the foster child or kinship child for whom that payment is intended is treated as a boarder and not included in the household, even when the household receives the payment directly.

iii. When one household is responsible for the payment of the rent, but shares the residence with a second household and receives a partial payment to pay the landlord from that second household, the household that actually pays the rent is not to have that partial payment considered as income;

12. Earned income (as defined at *N.J.A.C. 10:87-5.4*) of students (as defined at *N.J.A.C. 10:87-10.2(b)*3) under 18 years of age shall be excluded. This exclusion will continue to apply during temporary interruptions in school attendance due to semester or vacation breaks; provided the child's enrollment will resume following the break.

i. If the child's earnings or amount of work performed cannot be differentiated from that of other household members, the total earnings shall be prorated equally among the working members and the child's pro rata share excluded.

ii. Individuals are considered children for the purposes of this provision if they are under the parental control of another household member;

13. The income, either earned or unearned, of an ineligible student as defined at *N.J.A.C. 10:87-2.3(a)*2i, shall be excluded.

14. Moneys received in the form of nonrecurring lump-sum payments including, but not limited to, income tax refunds, rebates or credits; retroactive lump-sum Social Security, SSI, public assistance, railroad retirement benefits or other payments; lump-sum insurance settlements; or refunds of security deposits on rental property or utilities, shall be excluded. Such payments will be counted as resources in the month received in accordance with *N.J.A.C. 10:87-4.3(a)*, unless excluded by *N.J.A.C. 10:87-4.8(a)*17.

i. Any SSI benefits that are direct deposited into an SSI Dedicated Account shall be treated as a nonrecurring lump-sum payment, and are excluded from countable

income, even if the funds are disbursed from the account. Interest earned in the account, however, shall be treated as income for NJ SNAP purposes.

ii. An Early Employment Initiative (EEI) payment is treated as a lump sum payment and shall be excluded. (See also *N.J.A.C. 10:87-4.1(b)* for persons categorically eligible);

15. The cost of producing self-employment income shall be excluded. The procedures for computing the cost of producing self-employment income are described at *N.J.A.C. 10:87-7.3*;

16. Any income that is specifically excluded by any other Federal statute from consideration as income for the purpose of determining eligibility for the NJ SNAP program shall be excluded. The following qualify under this provision:

i. Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 (Public Law 91-646).

ii. Payments received under the Alaska Native Claims Settlement Act (Public Law (92-203).

iii. Any payment to volunteers under Title II (RSVP, Foster Grandparents and so forth) of the Domestic Volunteer Services Act of 1973 (Public Law 93-113), as amended, shall be excluded. Payments to volunteers under Title I of that Act (including payments from such Title I programs as VISTA, University Year for Action and the Urban Crime Prevention Program) shall be excluded for those individuals receiving NJ SNAP benefits or PA at the time they joined the Title I program, except that households that were receiving an income exclusion for VISTA or other Title I subsistence allowance at the time of conversion to the Food and Nutrition Act of 2008 (*7 U.S.C. §§ 2011* et seq.), shall continue to receive an income exclusion for VISTA for the length of their volunteer contract in effect at the time of conversion. Temporary interruptions in NJ SNAP participation shall not alter the exclusion once the initial determination has been made. New applicants who were not receiving public assistance or NJ SNAP benefits when they joined VISTA shall have these volunteer payments included as earned income.

iv. Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (Public Law 94-114).

v. Payments of relocation assistance to members of the Navajo and Hopi Tribes under Public Law 93-531.

vi. Earned income tax credits:

(1) Earned income tax credits received as a result of Public Law 95-600, the Revenue Act of 1978, which are received before January 1, 1980; and

(2) Earned income tax credits received either as a lump-sum or as payments under *Section 3507 of the Internal Revenue Code*.

vii. Payments or allowances made under any Federal law for the purpose of energy assistance, except for payments made under Title IV-A of the Social Security Act. The Home Energy Assistance and HUD Utility Allowance programs

qualify as excluded income under this provision, as do Federal or State one-time payments for either weatherization or the emergency repair and/or replacement of heating or cooling devices. A down payment followed by a final payment, upon completion of the work, shall be considered a one-time payment for purposes of this provision.

viii. Income derived from disposition of funds to the Grand River Band of the Ottowa Indians (Public Law 94-540).

ix. Payments received by the Confederated Tribes and Bands of the Yakima Indian Nation and the Apache Tribe of the Mescalero Reservation from the Indian Claims Commission as designated under Public Law 94-443.

x. Payments to the Passamaquoddy Tribe and the Penobscot Nation or any of their members received pursuant to the Maine Indian Claims Settlement Act of 1980 (Public Law 96-420).

xi. Any allowances or payments provided to individuals participating in programs under the Job Training partnership Act of l982 (Public Law 97-300) or AmeriCorps/National Community Service Corps (NCSC) Program. Earnings provided to individuals participating under JTPA on-the-job training programs shall be excluded if the participants are under 19 years of age and are under the parental control of another adult household member, and the programs are administered under Section 204 (5), Title II, of JTPA.

xii. Any allowances, earnings or payments provided to individuals under the Senior Community Service Employment Program (SCSEP) enacted by the Older Americans Act Amendments of 1987 (Public Law 100-175). Programs funded by Title V moneys include, but are not limited to, Green Thumb, Inc., National Council on Aging, Inc. (NCOA), National Council of Senior Citizens' (NCSC) Senior Aide Program, and United Progress, Inc. (UPI).

xiii. Payments received under the Civil Liberties Act of 1988 (P.L. 100-383).

xiv. Amounts deemed necessary for the fulfillment of a Plan for Achieving Self-Support (PASS) under Title XVI of the Social Security Act.

xv. Transitional child care payments made under the Family Support Act of 1988 (JOBS).

xvi. Payments made under the Radiation Exposure Compensation Act (P.L. 100-426).

xvii. All payments from the Agent Orange Compensation Exclusion Act (P.L. 101-201), retroactive to January 1, 1989. Payments made from the Agent Orange settlement fund under Section 10405 of P.L. 101-239 shall be excluded. Veteran's benefits authorized under the Agent Orange Act of 1991 (P.L. 102-4) shall not be excluded by law.

xviii. Payments made to individuals because of their status as victims of Nazi persecution (P.L. 103-286) shall be excluded.

xix. Any payment made to an NJ SNAP ETP participant under *N.J.A.C. 10:87-10.4(c)*5 for costs that are reasonably necessary and directly related to participation in NJ SNAP ETP. These costs include, but are not limited to, dependent care costs, transportation or other expenses related to work, training or education, such as uniforms, personal safety items or other necessary equipment and books or training manuals. These costs shall not include the cost of meals away from home. The value of any dependent care services arranged under *N.J.A.C. 10:87-10.4(c)*6 would be excluded.

xx. Governmental foster care payments received by households with foster care individuals who are considered to be boarders under *N.J.A.C. 10:87-2.3(b)*6.

xxi. On-the-job training payments under the Summer Youth Employment and Training Program.

xxii. Payments made under the Crime Act of 1984 to victims of crime (P.L. 103-322).

xxiii. Payments made under Section 421 of P.L. 104-204 for children of Vietnam veterans who are born with spina bifida.

xxiv. Payments made under Public Law 100-707, the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to pay Disaster Unemployment Assistance to any individual unemployed as a result of a major disaster.

xxv. Payments under the Consolidated Appropriations Act of 2005, Public Law 108-447, regarding any additional payment received by a member of the United States Armed Forces deployed to a designated combat zone. This additional payment shall be excluded from household income for the duration of the member's deployment if the additional pay is the result of deployment to or serving in a combat zone, and it was not received immediately prior to serving in the combat zone.

xxvi. Payments made under the National Flood Insurance Program (NFIP). Public Law 109-64, which amended the National Flood Insurance Act of 1968, mandates that payments made under NFIP, for flood mitigation activities, shall not be counted as income;

17. The amount that the representative payee withholds from the funds it receives on behalf of an SSI recipient shall not be counted as income to the SSI recipient for NJ SNAP purposes;

18. The pro-rata share of income of an ineligible alien (see *N.J.A.C. 10:87-7.7(c)*);

19. SNAP benefits from Puerto Rico, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

20. All legally obligated or court-ordered child support payments paid by a household member to, or on behalf of, a non-household member, including payments to a third party on behalf of the non-household member and amounts paid toward arrearages. Alimony payments made to or for a non-household member shall not be excluded as income.

History

HISTORY:

Amended by R.1980 d.117, effective March 19, 1980.

See: 11 N.J.R. 517(a), 12 N.J.R. 194(b).

(a)9: "exempted" changed to "excluded".

(a)11vi: "Title IV . . ." was "Youth Employment and Demonstration Project Act of 1977"; deleted reference to nonexclusion of CETA and Adults Conservation Corps payments.

Added (a)11viii.

Amended by R.1981 d.97, effective April 9, 1981.

See: 13 N.J.R. 96(c), 13 N.J.R. 228(a).

(a)9 added.

Renumber (a)9-11 as 10-12.

Amended by R.1984 d.17, effective February 6, 1984.

See: 15 N.J.R. 1821(a), 16 N.J.R. 246(a).

References to P.L. 91-646, P.L. 92-203, P.L. 93-113, P.L. 93-114 and income from certain Indian funds and communications, added.

Amended by R.1985 d.707, effective January 21, 1986 (operative February 1, 1986).

See: 17 N.J.R. 2521(b), 18 N.J.R. 193(b).

(a)12xii added.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1989 d.464, effective September 5, 1989.

See: 21 N.J.R. 1636(a), 21 N.J.R. 2790(a).

Exclusion for earned income tax payments added.

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

In (a)2: added text at vi.

In (a)15: deleted iv., "Payments from certain youth projects", and renumbered xiii. through xv. as xii. through xiv.

Amended by R.1990 d.565, effective November 19, 1990.

See: 22 N.J.R. 2219(a), 22 N.J.R. 3486(a).

Income exclusions clarified in accordance with *7 CFR 273.9(c)*.

Amended by R.1991 d.247, effective May 6, 1991.

See: 23 N.J.R. 179(a), 23 N.J.R. 1412(b).

Revised text in (a)3 and (a)15xiv, deleted HUD reference in (a)3 rule text.

Amended by R.1993 d.62, effective February 1, 1993.

See: 24 N.J.R. 3207(b), 25 N.J.R. 584(a).

In (a)15, added xv through xviii.

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

Rewrote (a).

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

In (a)8, inserted a comma following "individuals"; added (a)8i; and added (a)15xxiv through (a)15xxvi.

Amended by R.2009 d.94, effective March 16, 2009.

See: *40 N.J.R. 5932(a)*, *41 N.J.R. 1245(b)*.

Added new (a)10; recodified former (a)10 through (a)16 as (a)11 through (a)17; in (a)11ii, inserted "and not included in the household"; and in (a)16xxv, substituted "member's" for "members".

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

Rewrote the section.

Amended by R.2017 d.022, effective February 6, 2017.

See: *48 N.J.R. 695(a)*, *49 N.J.R. 267(a)*.

In (a)18, deleted "and" from the end; in (a)19, substituted "; and" for a period; and added (a)20.

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§ 10:87-5.10 Income deductions

(a) Deductions from income will be allowed only for the following expenses of the household:

1. The standard deduction, specified at *N.J.A.C. 10:87-12.1(a)*, shall be deducted from income, whether earned or unearned;

2. An amount equal to 20 percent of earned income, as defined at *N.J.A.C. 10:87-5.9*, shall be deducted;

3. That portion of medical expenses in excess of $ 35.00 per month, excluding the cost of special diets, incurred by any household member who is elderly or disabled as defined at *N.J.A.C. 10:87-2.34*. Spouses or other persons (that is, essential persons) receiving benefits as dependents of the SSI or disability and/or blindness recipient are not eligible to receive this deduction. Persons receiving "emergency" SSI benefits based on presumptive eligibility are eligible for this deduction.

i. The following items are allowable medical costs:

(1) Medical and dental care including psychotherapy and rehabilitation services provided by a licensed practitioner authorized by State law or other qualified health professional;

(2) Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the household for an individual who was a household member immediately prior to entering a hospital or nursing home provided by a facility recognized by the State;

(3) Prescription drugs when prescribed by a licensed practitioner authorized under State law and other over-the-counter medication (including insulin) when approved by a licensed practitioner or other qualified health professional; in addition, costs of medical supplies, sick-room equipment (including rental) or other prescribed equipment are deductible;

(4) Health and hospitalization insurance policy premiums. When policies include individuals who are not eligible for a medical deduction, only that portion of the premiums which covers the individual(s) eligible for the deduction shall be deductible. If that portion is not identifiable, then a prorated share may be used to determine the allowable amount (see *N.J.A.C. 10:87-7.7(b)*). This

deduction only applies when the policy holder is a member of the eligible household. The costs of health and accident policies such as those payable in lump-sum settlements for death or dismemberment or income maintenance policies such as those that continue mortgage or loan payments while the beneficiary is disabled are not deductible;

(5) Medicare premiums related to coverage under Title XVIII of the Social Security Act;

(6) Dentures, hearing aids, and prosthetics;

(7) Securing and maintaining a seeing eye or hearing dog including the cost of dog food and veterinarian bills, as well as the care and maintenance of a dog with a card that identifies him or her as a service dog, so designated by the Americans With Disabilities Act, *42 U.S.C. §§ 12101* et seq.;

(8) Eye glasses prescribed by a physician skilled in eye disease or by an optometrist;

(9) Reasonable cost of transportation and lodging to obtain medical treatment or services.

(A) When a privately owned vehicle is used for transportation to obtain medical treatment or services, the reasonable cost of transportation shall be calculated by using the State of New Jersey mileage reimbursement rate for use of a personal vehicle, as determined by the applicable circular published by the New Jersey Department of the Treasury, Office of Management and Budget. The State mileage reimbursement rate must be used in lieu of the actual expenses of transportation; and

(10) Maintaining an attendant, homemaker, home health aide, housekeeper or child care services, necessary because of age, infirmity or illness. In addition, an amount equal to the one person benefit allotment shall be deducted if the household furnishes the majority of the attendant's meals. The allotment for this meal related deduction shall be that in effect at the time of initial certification. The CSSA shall update the allotment amount no later than the next certification. It is not necessary for the CSSA to update this deduction at the time of the annual allotment adjustment. If a household incurs attendant care costs that could qualify under both the medical deduction and dependent care deduction, the CSSA shall treat the cost as a medical expense;

4. Payments for the actual costs for the care of a child or other dependent when necessary for a household member to accept or continue employment, seek employment in compliance with the job-search criteria (or an equivalent effort by those not subject to job-search) or to attend training or pursue education that is preparatory to employment, shall be deducted. The amount of this deduction shall be the actual cost of such care.

i. Child care payments which the CSSA issues directly to the household's child care provider shall not qualify the household for the dependent care deduction.

ii. Households that pay child care expenses are entitled to the dependent care deduction, even when child care is disregarded from the WFNJ/TANF grant when determining the countable WFNJ/TANF grant for NJ SNAP program purposes (see (a)4 above).

iii. A deduction shall be allowed only in the month the expense is billed or otherwise becomes due, regardless of when the household intends to pay the expense. For example, child care that is due each month shall be included in the household's child care deduction, even if the household has not yet paid the expense.

iv. Amounts carried forward from past billing periods are not deductible, even if included with the most recent billing and actually paid by the household. In any event, a particular expense may only be deducted once;

5. A household comprised entirely of individuals who are homeless, may be entitled to the Homeless Shelter Allowance (HSA).

i. To qualify for the HSA, the household shall incur a monthly out-of-pocket housing expense. A household that claims the HSA may not claim any other shelter or utility deduction.

ii. A homeless household may choose to claim actual shelter costs rather than the HSA, if the actual costs exceed the HSA. Homeless households wishing to claim actual shelter costs shall provide verification of expenses. In the absence of verifications of actual shelter costs, the household shall be provided the HSA; and

6. Monthly shelter costs in excess of 50 percent of the household's income after all other deductions in (a)1, 2, 3, and 4 above have been allowed, shall be deducted. However, in no event shall the shelter deduction exceed the amount in *N.J.A.C. 10:87-12.1(b)* unless the household contains a member who is elderly or disabled as defined at *N.J.A.C. 10:87-2.34*. These households shall receive an excess shelter deduction for the monthly costs that exceed 50 percent of the household's monthly income after all other applicable deductions. Households receiving Title II disability payments for dependents of a disabled individual are not eligible for the unlimited excess shelter deduction unless the disabled individual is a member of the household.

i. Only the following shall be considered in determining the shelter cost deduction:

(1) Continuing charges for the shelter occupied by the household, including rent, mortgage, condo and association fees or other continuing charges, such as equity loans and equity lines of credit leading to the ownership of the shelter and loan repayments for the purchase of a mobile home, including interest on such payments;

(2) Property tax assessments and insurance on the structure itself, but not separate costs for insuring furniture or personal belongings. If the separate costs for furniture and personal belongings are not identifiable, the entire cost of the insurance is deductible; and

(3) The costs of heating and cooking fuel; cooling and electricity; water and sewage; garbage and trash collection fees; the basic service fee, 911 fee,

subscriber line charge, universal service fee, relay center surcharge, wire maintenance fee, plus tax, for one telephone (the uniform telephone rate is found at *N.J.A.C. 10:87-12.1(c)*) and fees charged by the utility provider for initial installation of the utility. One-time deposits shall not be included as shelter costs.

ii. Shelter costs for a home not occupied temporarily by the household because of employment or training away from home, illness or abandonment because of a natural disaster or casualty loss, shall be deductible (see *N.J.A.C. 10:87-2.20(c)* for verification requirement). The following conditions must be met in order to qualify for this deduction:

(1) The household must intend to return to the home. In the case of a natural disaster, the case shall be re-evaluated, if at the end of a 12-month period the household has not returned to the home;

(2) Current occupants, if any, of the home must not be claiming the shelter costs of that home for NJ SNAP purposes; and

(3) The home must not be leased or rented during the absence of the household.

iii. Charges for the repair of a home which was substantially damaged or destroyed due to a natural disaster, such as fire or flood, shall be deductible. Shelter costs shall not include charges for home repairs that have been or will be reimbursed by private or public relief agencies, insurance companies, or from any other source.

iv. Households that incur utility cost(s) separate and apart from their rent or mortgage must be provided the appropriate standard utility deduction in accordance with the following provisions. When a household shares a residence and utility expenses with other individuals, each household shall be provided with the full amount of the appropriate utility deduction. A household may only receive one of the following utility standards:

(1) As required by Section 4006 of the Federal Agricultural Reform Act of 2014, the Heating or Cooling Standard Utility Allowance (HCSUA) is provided to households that incur heating or cooling expenses separate from the rent or mortgage, or to households that have received a Low Income Home Energy Assistance Program (LIHEAP) benefit of greater than $ 20.00 in the past 12 months.

(A) As required by *7 CFR 273.9(d)(6)(iii)*, renters in both private and public rental housing who are billed by the landlord on the basis of individual usage or who are charged a flat rate separately from their rent, are to be provided the HCSUA.

(2) The Limited Utility Allowance (LUA) is provided to households that do not incur heating or cooling expenses separate from the rent or mortgage, but who do incur at least two utility expenses (such as telephone, water, sewerage, etc.).

(3) The Uniform Telephone Allowance (UTA) is provided to households that incur a telephone expense, but who do not incur any other utility expenses.

(b) For the purpose of determining the medical and shelter expenses of a group home resident, the room and medical costs that can be separately identified are permissible medical and shelter expenses. If the amount the resident pays for room and meals is combined into one shelter expense amount, the amount that exceeds the NJ SNAP maximum EBT issuance for a one-person household can be allowed as a shelter expense. If more than one resident applies as part of the same household, the one-person maximum allotment shall be deducted from the shelter portion of the payment for each person in that household. If the amount paid for shelter and/or medical costs cannot be identified, then no medical expense is allowed.

1. If the group home charges a basic rate for room and board, and a higher rate dependent upon the amount of medical care required by the resident, and the resident pays the higher rate, the basic rate less the one-person maximum allotment shall be used to determine shelter expenses, and the difference between the basic rate and the higher rate shall be used as the resident's medical expenses.

History

HISTORY:

Amended by R.1979 d.387, effective October 1, 1979.

See: 11 N.J.R. 448(a), 11 N.J.R. 559(a).

Amended by R.1979 d.459, effective January 1, 1980.

See: 12 N.J.R. 40(c).

(a): Added paragraph 3; renumbered 3 as 4.

(a)5: Was paragraph 4; changed internal cross-references to conform, added language after "*N.J.A.C. 10:87-12.1*".

Amended by R.1980 d.387, effective November 1, 1980.

See: 12 N.J.R. 470(b), 12 N.J.R. 599(e).

(a)15: Last sentence added.

Amended on an emergency basis, R.1981 d.398, eff. September 30, 1981 (oper. October 1, 1981), exp. November 30, 1981.

See: 13 N.J.R. 769(a).

Readopted R.1981 d.517, eff. December 31, 1981.

See: 13 N.J.R. 769(a), 14 N.J.R. 103(a).

(a)2: "18" percent was "20" percent and LPSS-reference to "*N.J.A.C. 10:87-5.9*" added.

Amended by R.1983 d.72, effective February 28, 1983.

See: 15 N.J.R. 97(a), 15 N.J.R. 444(a).

Originally filed as an emergency adoption (R.1982 d.503) on December 30, 1982. Changes upon adoption were precipitated by emergency adoption (R.1983 d.38) filed on January 31, 1983. Readopted as R.1983 d.72. Language regarding elderly and disabled was added.

Amended by R.1983 d.579, effective November 29, 1983.

Originally filed as an emergency amendment R.1983 d.460, eff. September 26, 1983, operative October 1, 1983.

See: 15 N.J.R. 1774(a), 15 N.J.R. 2170(c).

Emergency Amendment, R.1985 d.713, effective December 27, 1985 (operative January 1, 1986, expires February 24, 1986).

See: 18 N.J.R. 214(a).

(a)5iv(1) and (2) added text.

Emergency Amendment R.1986 d.191, effective April 29, 1986 (operative May 1, 1986, expires June 30, 1986).

See: 18 N.J.R. 1108(a).

Work allowance deduction raised from 18 to 20 percent.

Readoption of Emergency Amendment and Concurrent Proposal, R.1986 d.301, effective June 30, 1986.

See: 18 N.J.R. 1108(a), 18 N.J.R. 1464(b).

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

In (a)5ii: revised N.J.A.C. reference.

Amended by R.1990 d.437, effective September 4, 1990.

See: 22 N.J.R. 1670(a), 22 N.J.R. 2715(a).

Revised various N.J.A.C. citations in section.

In (a)4: added "$ 160.00" and deleted N.J.A.C. reference to amount.

Amended by R.1990 d.565, effective November 19, 1990.

See: 22 N.J.R. 2219(a), 22 N.J.R. 3486(a).

Clarified that CSSAs need not adjust certain household medical expenses when the annual adjustment to food stamps allotment takes place.

Amended by R.1991 d.247, effective May 6, 1991.

See: 23 N.J.R. 179(a), 23 N.J.R. 1412(b).

Added new (a)8.

Amended by R.1993 d.62, effective February 1, 1993.

See: 24 N.J.R. 3207(b), 25 N.J.R. 584(a).

In (a)4, added i and ii. In (a)5iv(1)(E), added eligibility for HUA based on receipt of HEA. In (a)5iv, replaced (4) concerning election between utility allowance and actual utility expenses. In (a)5iv(8), added HEA benefits not to be considered when comparing assistance and expenses. In (a)5, added v.

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

Rewrote the section.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote (a).

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

In (a)3i(3), deleted "(over-the-counter items, however, prescribed by a licensed practitioner and which may be purchased with food stamps, are not deductible)"; in (a)3i(7), inserted ", as well as the care and maintenance of a dog with a card that identifies him or her as a service dog, so designated by the Americans With Disabilities Act, *42 U.S.C. §§ 12101* et seq.;"; and in (b), substituted "EBT issuance" for "coupon allotment".

Amended by R.2009 d.94, effective March 16, 2009.

See: *40 N.J.R. 5932(a)*, *41 N.J.R. 1245(b)*.

In the introductory paragraph of (a)7, deleted a comma preceding "and 5" and substituted "and" for "or" following "elderly"; in (a)7i(1), inserted ", such as equity loans or equity lines of credit" and substituted "and" for ", such as" following "shelter"; in (a)7iv, inserted a comma following "Households"; in (a)7iv(1)(E), inserted "(HEA)" and "through", substituted "HEA-eligibility" for "HEA eligibility", inserted a comma preceding "provided" and inserted the last two sentences; and added (a)7iv(1)(F).

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

Rewrote the section.

Amended by R.2017 d.022, effective February 6, 2017.

See: *48 N.J.R. 695(a)*, *49 N.J.R. 267(a)*.

In (a)4iv, substituted a semicolon for a period at the end; deleted (a)4v; and rewrote (a)5 and (a)6.

Amended by R.2024 d.045, effective May 20, 2024.

See: *56 N.J.R. 105(a)*, *56 N.J.R. 905(a)*.

In(a)3i(9), substituted a period for a semicolon; and added(a)3i(9)(A).

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§ 10:87-5.11 Treatment of educational assistance

(a) Educational assistance includes grants, scholarships, fellowships, work study, educational loans on which payment is deferred, veterans' educational benefits and the like.

(b) To be excluded, educational assistance, as defined at (a) above, must be awarded to a household member enrolled at a:

1. Recognized institution of post-secondary education (meaning any public or private educational institution which either normally requires a high school diploma or equivalency certificate for enrollment, or admits persons who are beyond the age of compulsory school attendance in which the institution is legally authorized or recognized by the State to provide an educational program beyond secondary education in the State, or provides a program of training to prepare students for gainful employment, including correspondence schools at that level);

2. School for the handicapped;

3. Vocational education program;

4. Vocational or technical school; or

5. A program that provides for obtaining a secondary school diploma, or the equivalent.

(c) To be excluded, the education assistance must also be used for or identified (earmarked) by the institution, school program, or other grantor for the following allowable expenses:

1. Tuition;

2. Mandatory school fees, including the rental or purchase of any equipment, material, and supplies related to the pursuit of the course of study involved;

3. Books;

4. Supplies;

5. Transportation;

6. Miscellaneous personal expenses, other than normal living expenses, of the student incidental to attending a school, institution or program. No portion of any

educational assistance that is provided for normal living expenses (room and board) shall be considered a reimbursement excludable under this provision.

7. Origination fees and insurance premiums on educational loans; or

8. Dependent care.

i. Amounts excluded for dependent care costs shall not be excluded under the income exclusion for reimbursements at *N.J.A.C. 10:87-5.9(a)*9iii(3).

ii. Dependent care costs which exceed the amount excludable from income shall be deducted from income in accordance with *N.J.A.C. 10:87-5.10(a)* 4.

(d) In order to allow an educational income exclusion based on use (as cited in (c) above), the allowable expense must be incurred or anticipated for the period the educational income is intended to cover regardless of when the educational income is actually received. If a student uses other income sources to pay for allowable educational expenses in months before the educational income is received, the exclusions to cover the expenses shall be allowed when the educational income is received. When the amounts used for allowable expense are more than amounts earmarked by the institution, school, program or other grantor, an exclusion shall be allowed for amounts used over the earmarked amounts. Exclusions based on use shall be subtracted from unearned educational income to the extent possible. If the unearned educational income is not enough to cover the expense, the remainder of the allowable expense shall be excluded from any earned educational income.

(e) A student's total educational income exclusions granted under this subchapter cannot exceed that individual's total educational income.

History

HISTORY:

New Rule, R.1989 d.121, effective February 21, 1989.

See: 20 New Jersey Register 2689(a), 21 New Jersey Register 511(b).

Amended by R.1990 d.565, effective November 19, 1990.

See: 22 New Jersey Register 2219(a), 22 New Jersey Register 3486(a).

Change of "used" for "made available" for educational expenses in accordance with P.L. 100-50.

Repeal and New Rule, R.1998 d.498, effective October 5, 1998.

See: *30 New Jersey Register 1928(a)*, *30 New Jersey Register 3669(b)*.

Section was "Treatment of educational assistance".

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N.J.A.C. 10:87-6.1

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§ 10:87-6.1 Applicability

The procedures in this subchapter shall be used to determine program eligibility and benefit levels. For certification of households with special income circumstances, this subchapter shall be used in conjunction with N.J.A.C. 10:87-7. The procedures for certifying destitute households are found at *N.J.A.C. 10:87-6.17*, *6.18* and *6.19*.

History

HISTORY:

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Amended the N.J.A.C. references in the third sentence.

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§ 10:87-6.2 Month of application

(a) The month of application for all households is the calendar month in which the household filed its application. For those prerelease applicants described at *N.J.A.C. 10:87-2.33(b)*3, the month of application shall be the date of release from the institution. This includes households submitting an application following any period of time during which the household was not certified for participation in the program. In most cases, the month of application will be the initial month of the household's certification period (see definition of initial month in (b) below). The CSSA shall determine a household's eligibility during the month of application based on the household's circumstances for the entire calendar month in which the household filed its application, even if the household filed its application on the last day of that calendar month.

(b) The term initial month means the first month that the household is certified for participation in the NJ SNAP program or, for ongoing cases, the first month that the household is certified for participation following any period of time during which the household was not certified for participation. For migrant and seasonal farm workers, the term initial month means the first month in which the household is certified for a period of more than one month.

1. Recertifications shall be processed in accordance with *N.J.A.C. 10:87-6.3*.

2. If the household submits an application for recertification prior to the expiration of its certification period and is found eligible for the first month following the end of the certification period, then that month shall not be an initial month.

(c) A household's benefit level for the initial month will be based on the day of the month it applies for benefits. For those prerelease applicants described at *N.J.A.C. 10:87-2.33(b)*3, the initial benefit shall be based on the date of each individual's release from the institution. Using a 30-day calendar month, households shall receive benefits prorated from the day of application to the end of the month. A household applying on the 31st of the month will be treated as though it applied on the 30th of the month. The $ 10.00 minimum benefit for one and two person households shall be prorated. To determine the amount of the prorated allotment for the month of application the CSSA shall use the Allotment Proration Table found at *N.J.A.C. 10:87-12.5*. If the allotment for the initial month is less than $ 10.00 the CSSA shall not issue benefits to that household.

OFFICE OF ADMINISTRATIVE LAW NOTE: For the minimum monthly benefit for one- and two-person households after the initial month under *N.J.A.C. 10:87-6.2(c)*, see *N.J.A.C. 10:87-6.16(d)*3ii.

History

HISTORY:

As amended on an emergency basis, R.1981 d.398, effective September 30, 1981 (operative October 1, 1981), expired November 30, 1981.

Readopted, R.1981 d.517, effective December 31, 1981.

See: 13 N.J.R. 769(a), 14 N.J.R. 103(a).

(a): "(including . . . Than a month)" added; (a) 1 added.

As amended, R.1983 d.121, effective April 4, 1983.

See: 15 N.J.R. 247(a), 15 N.J.R. 625(b).

Originally adopted as an Emergency Rule, R.1983 d.38, effective January 31, 1983. The amendment was pursuant to the Omnibus Budget Reconciliation Act of 1982 (P.L. 97-253) and the Food Stamp and Commodity Distribution Amendments of 1981 (P.L. 97-98, Title 13).

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1989 d.464, effective September 5, 1989.

See: 21 N.J.R. 1636(a), 21 N.J.R. 2790(a).

Date of application for applicants who are institutionalized is now the same as date of release from institution.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (a), substituted a reference to *N.J.A.C. 10:87-2.33(b)*3 for a reference to *N.J.A.C. 10:87-2.37(b)*3; rewrote (b); in (c), deleted "Determining benefit level for initial month:" from the beginning of first sentence, substituted a reference to *N.J.A.C. 10:87-2.33(b)*3 for a reference to *N.J.A.C. 10:87-2.37(b)*3.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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§ 10:87-6.3 Application for recertification

(a) Eligibility for recertification shall be determined by circumstances anticipated for the certification period beginning with the month following the expiration of the current certification period. The level of benefits for recertification shall be based on the same anticipated circumstances.

(b) If an application for recertification is submitted after the household's certification period has expired, that application shall be considered an initial application and benefits for that month shall be prorated in accordance with *N.J.A.C. 10:87-6.2(c)*.

1. If the household submits an application for recertification before the end of its certification period but is found ineligible for the first month following the end of that period, then the first month of any subsequent participation shall be considered an initial month.

2. Conversely, if the household submits an application for recertification prior to the end of its certification period and is found eligible for the first month following the end of the certification period, then that month shall not be an initial month for that household.

3. If the household contains a member who is a migrant or seasonal farmworker, the household's allotment shall not be prorated, if the household participated in the Program within 30 days prior to the date of the application.

(c) Any household that receives a notice at the time of certification, as discussed in *N.J.A.C. 10:87-9.1(a)*, shall not be subject to proration for the first month of its certification period if the deadline for filing for recertification falls after the end of its current certification period. However, households found ineligible for the first month following the end of their certification shall have the first month of any subsequent participation considered an initial month.

(d) For all households that the CSSA elects the time frame for providing missing verification, as outlined at *N.J.A.C. 10:87-2.19* through *2.24*, and the end of the time frame falls after the end of that household's current certification period, the household shall not be subject to proration for the first month following the end of its current certification period, if it has provided the missing verification and is otherwise eligible.

History

HISTORY:

Amended by R.1983 d.121, effective April 4, 1983.

See: 15 N.J.R. 247(a), 15 N.J.R. 625(b).

Originally adopted as an Emergency Rule, R.1983 d.38, effective January 31, 1983. The Amendment was pursuant to the Omnibus Budget Reconciliation Act of 1982 (P.L. 97-253) and the Food Stamp and Commodity Distribution Amendments of 1981 (P.L. 97-98, Title 13).

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Deleted old text and substituted new.

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

In (b): added 3 and revised N.J.A.C. reference in subsection (d).

Amended by R.1990 d.565, effective November 19, 1990.

See: 22 N.J.R. 2219(a), 22 N.J.R. 3486(a).

Added language in (c) regarding "a notice at the time of" certification.

Administrative change.

See: 30 N.J.R. 3550(a).

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (d), amended the N.J.A.C. reference.

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§ 10:87-6.4 Ineligibility subsequent to month of application

As a result of anticipated changes, a household may be eligible for the month of application but ineligible in the subsequent month. Such households shall be entitled to benefits for the month of application even if the processing of its application results in benefits being issued in a subsequent month.

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§ 10:87-6.5 Ineligibility for month of application

(a) A household may be ineligible for the month of application, but eligible in the subsequent month due to anticipated changes in circumstances. Even though denied for the month of application, the household does not have to reapply in the subsequent month. The same application shall be used for both the denial for the month of application and the determination of eligibility for subsequent months, within the timeliness standards at *N.J.A.C. 10:87-2.26* and *2.27*.

(b) Eligible households may have their initial month's allotment prorated to zero, but be entitled to some benefits in subsequent months. The CSSAs must certify the household beginning with the month of application.

(c) A household's gross income could be low enough to make it eligible while its net income could be high enough to disqualify it on an ongoing basis. The CSSA shall deny these households participation on the grounds that their net income exceed the level below which benefits are issued.

(d) A household that is otherwise eligible, based on their gross and/or net income, may only be entitled to zero benefits. Such a household shall have its application denied.

History

HISTORY:

As amended on an emergency basis, R.1981 d.398, effective September 30, 1981 (operative October 1, 1981), expired November 30, 1981.

Readopted, R.1981 d.517, effective December 31, 1981.

See: 13 N.J.R. 769(a), 14 N.J.R. 103(a).

(a) 1 and 2 added.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (a), amended the N.J.A.C. references; in (b) and (c), deleted the introductory phrases; added (d).

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

In (d), substituted 'that" for "which", and inserted "/or".

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N.J.A.C. 10:87-6.6

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§ 10:87-6.6 Varying allotments

As a result of anticipated changes, the household's allotment for the application month may differ from its allotment in subsequent months. The CSSA must establish a certification period for the longest possible period in accordance with *N.J.A.C. 10:87-6.20*, over which changes in the household's circumstances can be reasonably anticipated.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Inserted a N.J.A.C. reference and deleted the third sentence.

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§ 10:87-6.7 Determining resources and income

The procedures contained in *N.J.A.C. 10:87-6.8* and *6.9* shall be used to determine financial eligibility and benefit levels (see also N.J.A.C. 10:87-7 for households with special income circumstances).

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 New Jersey Register 2689(a), 21 New Jersey Register 511(b).

Substantially amended.

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N.J.A.C. 10:87-6.8

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§ 10:87-6.8 (Reserved)

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substituted "prescribed at" for "described in".

Amended by R.2009 d.94, effective March 16, 2009.

See: *40 N.J.R. 5932(a)*, *41 N.J.R. 1245(b)*.

Updated the N.J.A.C. reference.

Repealed by R.2010 d.027, effective January 19, 2010.

See: *41 N.J.R. 3190(a)*, 41 N.J.R. 482(b).

Section was "Resources".

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§ 10:87-6.9 Income determination

(a) For the purposes of determining the household's eligibility and basis of issuance, the CSSA shall consider the income already received by the household during the certification period and any anticipated income that the household and the CSSA are reasonably certain will be received during the remainder of the certification period. Income from a new source anticipated after application shall not be counted if the household is destitute (see *N.J.A.C. 10:87-6.17* through *6.19*).

(b) If the amount of income which will be received, or when it will be received, is uncertain, that portion of the household's income which is uncertain shall not be counted by the CSSA. For example, a household anticipating income from a new source, such as a new job or public assistance benefits recently applied for, may be uncertain as to the timing and amount of the initial payment. These moneys shall not be anticipated by the CSSA unless there is reasonable certainty concerning the month in which the payment will be received and in what amount. Households shall be advised to report all changes in gross monthly income in accordance with *N.J.A.C. 10:87-9.5(b)*.

1. If the exact amount of the income is not known, the portion that can be anticipated with reasonable certainty shall be considered income.

2. In cases where the receipt of income is reasonably certain but the monthly amount may fluctuate, the household may elect to average income in accordance with (f) below.

(c) Income received during the most recent 30-day period shall be used as an indicator of anticipated income. However, the CSSA shall not use past income as an indicator of income anticipated for the certification if changes in income have occurred or can be anticipated.

1. If income fluctuates to the extent that a 30-day period alone cannot provide an accurate indication of anticipated income, the CSSA and the household may use a longer period of past time if it will provide a more accurate indication of anticipated fluctuations in future income.

2. If the household's income fluctuates seasonally, it may be appropriate to use the most recent season comparable to the certification period, rather than the last 30 days, as one indicator of anticipated income. The CSSA shall exercise particular

caution in using income from a past season as an indicator of income for the certification period. In many cases of seasonally fluctuating income, the income also fluctuates from one season in one year to the same season in the next year.

3. In no event shall the CSSA automatically attribute to the household the amounts of any past income. The CSSA shall not use past income as an indicator of anticipated income when changes in income have occurred or can be anticipated during the certification period.

4. For the purpose of determining countable energy assistance payments, the CSSA shall consider similar assistance received by the household in the previous certification period, and project those monthly amounts over the next certification period. If the CSSA cannot be reasonably certain that the household will receive those moneys, then those funds shall not be counted. The CSSA shall also ascertain that the household's anticipated utility expenses, during any one month of the forthcoming certification period, will exceed the amount of excluded energy assistance.

(d) Income anticipated during the certification period shall be counted as income only in the month it is expected to be received, unless the income is averaged in accordance with (f) below.

1. Whenever a full month's income is anticipated but is received on a weekly or bi-weekly basis, the CSSA shall convert the income to a monthly amount by multiplying weekly amounts by 4.333 and bi-weekly amounts by 2.167.

2. Non-recurring lump-sum payments shall be counted as a resource starting in the month received and shall not be counted as income (see *N.J.A.C. 10:87-4.3* and *5.9(a)*13).

3. Wages held at the request of the employee shall be considered income to the household in the month the wages would otherwise have been paid by the employer. However, wages held by the employer as a general practice, even if in violation of law, shall not be counted as income to the household, unless the household anticipates that it will ask for and receive an advance, or that it will receive income from wages that were previously held by the employer as a general practice and that were, therefore, not previously counted as income by the CSSA.

4. Advances on wages shall count as income only if the household anticipates that it will ask for and receive such an advance. Such advances on wages shall count as income in the month received only if reasonably anticipated.

5. Households receiving public assistance payments, (for example WFNJ or SSI) or income on a recurring monthly or semi-monthly basis shall not have their monthly income varied merely because of changes in mailing cycles or pay dates or because weekends or holidays cause additional payments to be received in a month.

(e) Households which derive their annual income by contract in a period of time shorter than one year shall have that income averaged over a 12-month period, provided the income from the contract is not received on an hourly or piecework basis. For example, a teacher has a 12-month contract and only works 10 months of the year (September through June), that income shall be prorated over a 12-month period. These households

may also include, but are not limited to, school employees, sharecroppers, and regular farm employees. However, these provisions do not apply to migrant or seasonal farm workers or to destitute households. Contract income which is not the household's annual income and is not paid on an hourly or piece work basis shall be prorated over the period that the income is intended to cover. For example, if an individual such as a crossing guard, has a 10-month contract and worked only those 10 months, that income shall be averaged over a 10-month period.

(f) Households, except destitute households, may elect to have income averaged. Income shall not be averaged for a destitute household since averaging would result in assigning to the month of application income from future periods that is not available to the destitute household for its current food needs.

1. To average income, the CSSA shall use the household's anticipation of income fluctuations over the certification period. The number of months used to arrive at the average income need not be the same as the number of months in the certification period. For example, if fluctuating income for the past 30 days and the month of application are known and, with reasonable certainty, are representative of the income fluctuations anticipated for the coming months, the income from the two known months may be averaged and projected over a certification period of longer than two months.

(g) Households receiving earned and unearned educational income shall have such income, after exclusions, averaged over the period for which it was intended to cover. The CSSA shall apply countable educational income beginning with the first month in which the student expects to receive those funds. In the event that the student cannot anticipate, with reasonable certainty, when he or she will receive the student income, then receipt of that income shall be treated and processed as a client reportable change, as per *N.J.A.C. 10:87-9.5(b)* and (c).

(h) With certain exceptions required by Federal statute, any Disregarded Child Support (DCS) payment (see *N.J.A.C. 10:87-5.7(b)*2) which is issued to a household in a particular month shall be utilized to calculate the following month's NJ SNAP benefit. With the exception of those categories listed in (h)1 through 4 below, retrospective budgeting of DCS payments shall be utilized at all times, including during initial application and recertification. The exceptions, which require that DCS payments be treated prospectively, are as follows:

1. Migrant or seasonal farmworker households;

2. Households in which all members are homeless individuals;

3. Households with no earned income in which all adult members are elderly or disabled; and

4. Households residing on Indian reservations.

(i) The procedures for determining income from self-employment are described at *N.J.A.C. 10:87-7.1* through *7.6*.

History

HISTORY:

Amended by R.1979 d.459, January 1, 1980.

See: 12 N.J.R. 40(c).

(a)3i: Changed "2.26" to "2.167".

Amended by R.1981 d.97, effective April 9, 1981.

See: 13 N.J.R. 96(c), 13 N.J.R. 228(a).

(a)3ii: "N.J.A.C. . . . 10:87-5.9(a)10 was (a)9".

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1993 d.62, effective February 1, 1993.

See: 24 N.J.R. 3207(b), 25 N.J.R. 584(a).

In (c), added 4. In (g), describes student income for purpose of determining food stamp eligibility and level of benefit.

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (d), rewrote 5; in (g), rewrote the first sentence, and substituted a reference to educational income for a reference to grants, loans and other scholarships in the second sentence; and added (h).

Amended by R.1999 d.6, effective January 4, 1999.

See: *30 N.J.R. 3451(a)*, *31 N.J.R. 69(a)*.

In (d)5, substituted a reference to WFNJ for a reference to AFDC and GA.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

Rewrote (e), and added (i).

Administrative change.

See: *44 N.J.R. 1529(a)*.

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§ 10:87-6.10 Determining deductions

Deductible expenses include only certain costs of dependent care, child support payments, shelter and medical costs as described in *N.J.A.C. 10:87-5.10*.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 New Jersey Register 2689(a), 21 New Jersey Register 511(b).

Added "and medical costs".

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 New Jersey Register 1928(a)*, *30 New Jersey Register 3669(b)*.

Inserted a reference to child support payments.

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N.J.A.C. 10:87-6.11

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 57 No. 19, October 6, 2025

§ 10:87-6.11 Disallowed expenses

(a) The following shall not be included in the determination of deductions:

1. An expense covered by an excluded reimbursement or vendor payment (see *N.J.A.C. 10:87-5.9*) except an energy assistance vendor payment made under the Low Income Home Energy Assistance Act (LIHEAA), shall not be deductible. For example, that portion of rent covered by excluded vendor payments shall not be calculated as part of the household's shelter cost. However, that portion of an allowable medical expense which is not reimbursable shall be included as part of the household's medical expenses. Households entitled to the medical deduction shall have the nonreimbursable portion considered at the time the amount of reimbursement is received or can otherwise be verified.

2. Expenses shall not be deductible if the household provides compensation for the service through an in-kind benefit or if another household member provides the service. For example, a dependent care deduction shall not be allowed if compensation for the care is provided in the form of an in-kind benefit such as food. Expenses shall only be deductible if the service is provided by someone outside of the household and the household makes a money payment for the service.

3. When a public housing authority directly receives a household's HUD utility allowance and applies it toward the household's rent (see *N.J.A.C. 10:87-5.9(a)*3i), the "net" rent that the household is obligated to pay shall be considered the rental expense for NJ SNAP purposes.

4. Any educational expense, in whole or part, covered by educational income which has been excluded in accordance with *N.J.A.C. 10:87-5.11*, shall not be deductible.

5. A dependent care expense which is reimbursed or paid for by the Child Care and Development Fund or the Transitional Child Care Program shall not be deductible.

History

HISTORY:

As amended, R.1979 d.459, effective January 1, 1980.

See: 12 N.J.R. 40(c).

(a)1: Added third and fourth sentences.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (a), added 3 through 5.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (a)1, deleted the introductory phrase.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-6.12

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 87. NEW JERSEY SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (NJ SNAP) MANUAL > SUBCHAPTER 6. CERTIFICATION PROCEDURES

§ 10:87-6.12 Billed expenses

(a) Except as provided in *N.J.A.C. 10:87-6.13*, a deduction shall be allowed only in the month the expense is billed or otherwise becomes due, regardless of when the household intends to pay the expense. For example, child care, which is due each month shall be included in the household's child care deduction, even if the household has not yet paid the expense.

(b) Amounts carried forward from past billing periods are not deductible, even if included with the most recent billing and actually paid by the household. In any event, a particular expense may only be deducted once.

(c) Legally obligated or court-ordered child support payments paid by a household member to or for a nonhousehold member, including payments to a third party on behalf of the nonhousehold member (vendor payments). The CSSA shall allow a deduction for amounts paid toward arrearages. Alimony payments made to or for a nonhousehold member shall not be included in the child support deduction. The child support payment shall be budgeted in accordance with *N.J.A.C. 10:87-6.13(d)*.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

Added (c).

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (b), deleted " Amounts carried forward:" from the first sentence.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

In (a), substituted "child care," for "rent" and "child care deduction" for "shelter costs"; and in (c), inserted the first three sentences.

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N.J.A.C. 10:87-6.13

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§ 10:87-6.13 Averaging expenses

(a) Households may elect to have fluctuating expenses averaged. Households may also elect to have expenses which are billed less often than monthly averaged forward over the interval between scheduled billings, or, if there is no scheduled interval, averaged forward over the period the expense is intended to cover. For example, if a household receives a single bill in February which covers a three-month supply of fuel oil, the bill may be averaged over February, March and April.

(b) The household may elect to have a one-time only expense, such as an installation charge for utilities, averaged over the entire certification period in which it is billed. Households reporting one-time only medical expenses during their certification period may elect to have a one-time deduction or to have the expense averaged over the remaining months of their certification period. Averaging would begin with the month the change becomes effective. The CSSA worker shall explain to the household the advantages of averaging the expense or treating it as a one-time deduction.

(c) If a household provides adequate verification at the time of certification, the household may elect to have a medical expense averaged over the entire certification period. If a new medical expense is reported during the certification period, the household may elect to have a one-time deduction or to have the expense averaged over the remaining months of the certification period. If the reported expense is incurred in the last month of the certification period, it may also be averaged over the following certification period.

(d) For the purpose of determining a household's child support deduction, the CSSA shall anticipate the household's child support payments for the certification period, including anticipated payments on arrearages, and then arrive at an average deduction amount to apply for each month of the certification period. The average may be adjusted during the certification period to reflect any changes that are reported by the household, or which otherwise become known to the CSSA and are considered to be verified upon receipt. At recertification, the CSSA shall obtain updated information on which to base a new average for the new certification period.

History

HISTORY:

As amended, R.1979 d.459, effective January 1, 1980.

See: 12 N.J.R. 40(c).

(b): Added second and third sentences.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

Added (c) and (d).

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (b), deleted the introductory phrase; in (d), inserted "and are considered to be verified upon receipt" following "CSSA" in the second sentence.

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N.J.A.C. 10:87-6.14

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§ 10:87-6.14 Anticipating expenses

(a) The CSSA shall calculate a household's expenses based on expenses for which the household expects to be billed during the certification period. Anticipation of the expense shall be based on the most recent month's bills, unless the household is reasonably certain a change will occur.

(b) When the household does not qualify for the utility allowance, the CSSA may anticipate changes during the certification period based on last year's bills updated by overall price increases; or, if only the most recent bill is available, utility cost increases or decreases over the months of the certification period may be based on utility company estimates for the type of dwelling and utilities used by the household.

(c) The CSSA shall not average past expenses, such as utility bills for the last several months, as a method of anticipating utility costs for the certification period.

(d) The income conversion procedures at *N.J.A.C. 10:87-6.9(d)*1 shall also apply to expenses billed on a weekly or biweekly basis.

History

HISTORY:

As amended, R.1979 d.459, effective January 1, 1980.

See: 12 N.J.R. 40(c).

Added subsection (d).

As amended, R.1983 d.72, effective February 28, 1983.

See: 15 N.J.R. 97(a), 15 N.J.R. 444(a).

Originally filed as an emergency adoption (R.1982 d.503) on December 30, 1982. Readopted as R.1983 d.72. The word standard changed to allowance.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Deleted the introductory phrases throughout; in (b)substituted "does not qualify for the" for "is not claiming a" in the first sentence.

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N.J.A.C. 10:87-6.15

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§ 10:87-6.15 Anticipating medical expenses

(a) A household eligible for the excess medical deduction shall be allowed, at the time of certification, to report and verify medical expenses which its qualified members expect to incur during the certification period.

(b) If a household reports an anticipated medical expense at the time of certification, but is unable to provide any verification to substantiate that anticipated expense, the household shall be told that the expense will be allowed when the verification is provided during the certification period.

1. The NJ SNAP-33, Notice of Required Verification, shall be used to advise the household of the information which is needed (see *N.J.A.C. 10:87-2.22(d)*3).

(c) If the household can provide verification as to the reasonableness of the anticipated expense, then the expense will be allowed beginning at the time of certification.

(d) Households reporting one-time only medical expenses during their certification period may elect to have a one-time deduction or to have the expense averaged over the remaining months of their certification period. Averaging would begin the month the change becomes effective.

1. For a household certified for 24 months that has a one-time medical expense, the CSSAs shall use the following procedure. In averaging any one-time medical expense incurred by a household during the first 12 months, the case worker shall give the household the option of deducting the expense for one month, averaging the expense over the remainder of the first 12 months in the certification period, or averaging the expense over the remaining months in the certification period. One-time expenses reported after the 12th of the month of the certification period will be deducted in one month or averaged over the remaining months in the certification period, at the household's option.

History

HISTORY:

New Rule, R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

Former *N.J.A.C. 10:87-6.15*, Calculating net and gross income and benefit levels, recodified to *N.J.A.C. 10:87-6.16*.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (b)1, amended the N.J.A.C. reference; added (d).

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-6.16

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§ 10:87-6.16 Calculating net and gross income and benefit levels

(a) The procedures below shall be used to calculate net and gross income and benefit levels.

(b) To determine a household's net monthly income, the CSSA shall follow steps (b)1 through 9 below. To determine a household's total gross income, the CSSA shall add, after rounding (according to procedures at (c)1 below), each individual's monthly earned and unearned income(s). This total, minus income exclusions (see *N.J.A.C. 10:87-5.9*), provides the sum total gross monthly income figure which shall be used to determine the household's eligibility in accordance with (d)1 or 2 below.

1. Step 1: Add the gross monthly income earned by all household members minus earned income exclusions (see *N.J.A.C. 10:87-5.9*) to determine the household's total gross earned income. Net losses from the self-employment income of a farmer shall be offset in accordance with *N.J.A.C. 10:87-7.3(a)*.

2. Step 2: Multiply the total gross monthly earned income by 80 percent to determine the net monthly earned income.

3. Step 3: Add to net monthly earned income, the total monthly unearned income of all household members, minus income exclusions (see *N.J.A.C. 10:87-5.9*).

4. Step 4: Subtract the standard deduction (see *N.J.A.C. 10:87-12.1(a)*).

5. Step 5: If the household is entitled to an excess medical deduction as provided at *N.J.A.C. 10:87-5.10(a)*3, determine if total medical expenses exceed $ 35.00. If so, subtract the amount that exceeds $ 35.00.

6. Step 6: Subtract monthly dependent care expenses, if any, up to the maximum amount allowed for each dependent for whom the household renders payment.

7. Step 7: If the household is entitled to a child support deduction as provided at *N.J.A.C. 10:87-5.10(a)*5, subtract the amount.

8. Step 8: Total the allowable shelter expenses to determine shelter costs. Subtract 50 percent of the household's monthly net income (after all the above deductions have been subtracted) from the total shelter costs. The remaining amount, if any, is the excess shelter cost. If there is no excess shelter cost, the net monthly income has

been determined. If there is excess shelter cost, compute the shelter deduction in Step 9.

9. Step 9: Subtract the excess shelter cost up to the maximum (unless the household is entitled to the full amount of its excess shelter expenses) from the household's monthly net income after all other applicable deductions. The maximum amount allowed for shelter (for those households subject to a shelter maximum) is the maximum in *N.J.A.C. 10:87-12.1(b)*. Households not subject to a capped shelter expense shall have the full amount exceeding 50 percent of their net income subtracted. The household's net monthly income now has been determined.

(c) The CSSA shall, when calculating NJ SNAP gross income and benefit levels, round down those income and deduction amounts ending in $.01 through $.49 and round-up those ending in $.50 through $.99 to the nearest dollar. The CSSA shall use the rounding procedure for both the work allowance and shelter cost deductions.

1. The CSSA shall round the following, up and down:

i. Self-employment income;

ii. Earned income;

iii. Public Assistance benefits;

iv. Supplemental Security Income benefits;

v. Retirement Survivors Disability Insurance benefits;

vi. Unemployment/workers compensation;

vii. General Assistance benefits;

viii. Other unearned income;

ix. Dependent care payments;

x. Child support payments;

xi. Medical expenses; and

xii. Total shelter costs.

(d) Except for migrant, seasonal farm worker and homeless households considered destitute at *N.J.A.C. 10:87-6.17*, the following eligibility and benefit determinations shall apply:

1. Households which contain an elderly or disabled member (as defined at *N.J.A.C. 10:87-2.34*) shall have the household's net income, as calculated in (b) above, compared to the monthly income eligibility standard for the appropriate household size at *N.J.A.C. 10:87-12.3* to determine eligibility for the month.

2. Households that do not contain an elderly or disabled member shall have their gross monthly income compared to the monthly income eligibility standards at *N.J.A.C. 10:87-12.4*, for the appropriate household size and shall have their net monthly income, as calculated in (b) above, compared to the monthly income eligibility

standard for the appropriate household size at *N.J.A.C. 10:87-12.3* to determine eligibility for the month.

3. After eligibility has been determined in accordance with (d)1 or 2 above, the CSSA shall use the household's net monthly NJ SNAP income to determine the amount of the household's benefits in accordance with *N.J.A.C. 10:87-12.6*.

i. If the allotment for an initial month is less than $ 10.00, or prorated to less than $ 10.00 in accordance with *N.J.A.C. 10:87-6.2(c)*, no benefits shall be issued to the household for the initial month.

ii. Except during an initial month, all eligible one- and two-person households shall receive a minimum monthly allotment of $ 16.00.

History

HISTORY:

Amended by R.1979 d.459, effective January 1, 1980.

See: 12 N.J.R. 40(c).

(a)1: Added v; renumbered v-vii as v-viii; added language covering uncapped shelter expenses and clarified language.

Amended on an emergency basis, R.1981 d.398, effective September 30, 1981 (operative October 1, 1981), expired November 30, 1981.

See: 13 N.J.R. 769(a).

Readopted, R.1981 d.517, effective December 31, 1981.

See: 13 N.J.R. 769(a), 14 N.J.R. 103(a).

Section substantially corrected.

Amended by R.1983 d.72, effective February 28, 1983.

See: 15 N.J.R. 97(a), 15 N.J.R. 444(a).

Originally filed as an emergency adoption (R.1982 d.503) on December 30, 1982. Changes upon readoption were precipitated by emergency adoption (R.1983 d.38) filed on January 31, 1983. Readopted as R.1983 d.72. Language has been added pertaining to eligibility standards for households with no elderly or disabled members, and to clarify the determination of gross monthly income.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended and recodified.

Amended by R.1990 d.437, effective September 4, 1990.

See: 22 N.J.R. 1670(a), 22 N.J.R. 2715(a).

In (b)4 and (b)8, revised N.J.A.C. citations.

Recodified from *N.J.A.C. 10:87-6.15* and amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (b), inserted new 7 and 8, recodified former 7 and 8 as 9 and 10, and made corresponding internal reference changes. Former *N.J.A.C. 10:87-6.16*, Destitute households, recodified to *N.J.A.C. 10:87-6.17*.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

In (d)1, inserted an end parenthesis following the first N.J.A.C. reference.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

Deleted former (b)8; recodified former (b)9 and (b)10 as (b)8 and (b)9; in (b)8, substituted "8: Total" for "9: Except for household claiming the homeless shelter allowance, total" and "9" for "10" at the end; in (b)9, substituted "9" for "10"; in the introductory paragraph of (c) and in (d)3, substituted "NJ SNAP" for "food stamp"; in the introductory paragraph of (d), deleted a comma following "worker", and in (d)3ii, substituted "$ 16.00" for "$ 10.00 and all eligible households with three or more members entitled to $ 1.00, $ 3.00 and $ 5.00 allotments shall have their allotments rounded to $ 2.00, $ 4.00 and $ 6.00, respectively".

Administrative correction.

See: *44 N.J.R. 669(a)*.

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N.J.A.C. 10:87-6.17

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§ 10:87-6.17 Destitute households

Migrant or seasonal farmworker households may have little or no income at the time of application and may be in need of immediate food assistance, even though they receive income at some other time during the month of application. The following procedures shall be used to determine when migrant or seasonal farmworker households in these circumstances may be considered destitute and, therefore, entitled to expedited service and special income calculation procedures. Destitute households shall have their eligibility determined by computing either their gross or net income, as appropriate, and comparing either the gross or net income to the corresponding income eligibility standard. Households other than migrant or seasonal farmworker households shall not be considered destitute.

History

HISTORY:

As amended on an emergency basis, R.1981 d.398, effective September 30, 1981 (operative October 1, 1981) expired November 30, 1981.

See: 13 New Jersey Register 769(a). Readopted, R.1981 d.517, effective December 31, 1981.

See: 13 New Jersey Register 769(a), 14 New Jersey Register 103(a).

"Destitute ... eligibility standard" added.

As amended, R.1983 d.121, effective April 24, 1983. See: 15 New Jersey Register 247(a), 15 New Jersey Register 625(b).

Originally adopted as an Emergency Rule, R.1983 d.38, effective January 31, 1983. The amendment was pursuant to the Omnibus Budget Reconciliation Act of 1982 (P.L. 97-253) and the Food Stamp and Commodity Distribution Amendments of 1981 (P.L. 97-98, Title 13).

Recodified from *N.J.A.C. 10:87-6.16* by R.1998 d.498, effective October 5, 1998.

See: *30 New Jersey Register 1928(a)*, *30 New Jersey Register 3669(b)*.

Former *N.J.A.C. 10:87-6.17*, Destitute households with income from a terminated source, recodified to *N.J.A.C. 10:87-6.18*.

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N.J.A.C. 10:87-6.18

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§ 10:87-6.18 Destitute households with income from a terminated source

(a) Migrant or seasonal farmworker households whose only income for the month of application was received prior to the date of application, and was from a terminated source, shall be considered destitute households and shall be provided expedited service.

(b) If income is normally received on a monthly or more frequent basis, it shall be considered as coming from a terminated source if it will not be received again from the same source during the balance of the month of application or during the following month.

(c) If income is normally received less often than monthly such income shall be considered as coming from a terminated source if it will not be received in the month in which the next payment would normally be received.

1. Example: If income is received on a quarterly basis (e.g., on January 1, April 1, July 1, and October 1), and the household applies in mid-January, the income should not be considered as coming from a terminated source merely because no further payments will be received in the balance of January or in February. The test for whether or not this household's income is terminated is whether the income is anticipated to be received in April.

History

HISTORY:

As amended, R.1983 d.121, effective April 4, 1983.

See: 15 New Jersey Register 247(a), 15 New Jersey Register 625(b).

Originally adopted as an Emergency Rule, R.1983 d.38, effective January 31, 1983. The amendment was pursuant to the Omnibus Budget Reconciliation Act of 1982 (P.L. 97-253) and the Food Stamp and Commodity Distribution Amendments of 1981 (P.L. 97-98, Title 13).

Recodified from *N.J.A.C. 10:87-6.17* by R.1998 d.498, effective October 5, 1998.

See: *30 New Jersey Register 1928(a)*, *30 New Jersey Register 3669(b)*.

Former *N.J.A.C. 10:87-6.18*, Destitute households with income from a new source, recodified to *N.J.A.C. 10:87-6.19*.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

In (b) and (c), deleted the introductory phrases.

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§ 10:87-6.19 Destitute households with income from a new source

(a) Migrant or seasonal farmworker households whose only income for the month of application is from a new source shall be considered destitute and shall be provided expedited service only if income of more than $ 25.00 from a new source will not be received by the 10th calendar day after the date of application.

(b) Income which is normally received on a monthly or more frequent basis shall be considered to be from a new source only if more than $ 25.00 has not been received from that new source within 30 days prior to the date the application was filed.

(c) If income is normally received less often than monthly, it shall be considered to be from a new source only if more than $ 25.00 was not received within the last normal interval between payments.

1. Example: If a household applies in early January and is expecting to be paid every three months starting in late January, the income shall be considered to be from a new source only if no more than $ 25.00 was received from the source during October or since that time.

(d) Households may receive both income from a terminated source prior to and income from a new source after the date of application, and still be considered destitute if they receive no other income in the month of application and more than $ 25.00 from the new source will not be received by the 10th day after the date of application.

(e) Destitute households shall have their eligibility and level of benefits calculated for the month of application by considering only income that is received between the first of the month and the date of application. Any income from a new source that is anticipated after the day of application shall be disregarded.

(f) Some employers provide travel advances to cover travel costs of new employees who must travel to the location of their new employment. To the extent that these payments are excluded as reimbursements (see *N.J.A.C. 10:87-5.9(a)*6), receipt of travel advance will not affect the determination of when a household is destitute.

l. If the travel advance is, by written contract, an advance on wages which will be subtracted from wages later earned by the employee, rather than a reimbursement, the wage advance shall count as income. Nevertheless the receipt of a wage advance for travel costs of a new employee shall neither affect the determination of whether

subsequent payments from the employer are from a new source of income, nor whether a household shall be considered destitute.

i. Example: If a household that applies on May 10, has received a $ 50.00 advance for travel from its new employer on May 1 that, by written contract, is an advance on wages, but will not start receiving any other wages from the employer until May 30, shall be considered destitute. The May 30 payment shall be disregarded, but the wage received prior to the date of application shall be counted as income.

(g) A household member who changes jobs but continues to work for the same employer shall be considered as still receiving income from the same source. A migrant farm worker's source of income shall be considered to be the grower for whom the migrant is working at a particular point in time, rather than the crew chief. A migrant who travels with the same crew chief but moves from one grower to another is considered to have moved from a terminated income source to a new source.

(h) The above expedited procedures apply at initial application and at recertification, but only for the first month of each certification period. At recertification, income from a new source is disregarded in the first month of the certification period if income of more than $ 25.00 will not be received from this new source by the 10th calendar day after the date of the household's normal issuance cycle.

History

HISTORY:

Amended by R.1980 d.117, effective March 19, 1980.

See: 11 New Jersey Register 517(a), 12 New Jersey Register 194(b).

(f)1: Added language on "written contract".

Amended by R.1983 d.121, effective April 4, 1983.

See: 15 New Jersey Register 247(a), 15 New Jersey Register 625(b).

Originally adopted as an Emergency Rule, R.1983 d.38, effective January 31, 1983. The amendment was pursuant to the Omnibus Budget Reconciliation Act of 1982 (P.L. 97-253) and the Food Stamp and Commodity Distribution Amendments of 1981 (P.L. 97-98, Title 13).

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 New Jersey Register 2689(a), 21 New Jersey Register 511(b).

Substantially amended.

Recodified from *N.J.A.C. 10:87-6.18* by R.1998 d.498, effective October 5, 1998.

See: *30 New Jersey Register 1928(a)*, *30 New Jersey Register 3669(b)*.

Former *N.J.A.C. 10:87-6.19*, Certification periods, recodified to *N.J.A.C. 10:87-6.20*.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Rewrote the section.

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§ 10:87-6.20 Certification periods

The CSSA shall certify each eligible household for a definite period of time. CSSAs shall assign the longest certification period possible based on the predictability of the household's circumstances. The first month of the certification period will be the first month for which the household is eligible to participate. The certification period cannot exceed 12 months, except for households in which all adult members are elderly or disabled, which are to be certified for up to 24 months with at least one CSSA contact at least every 12 months. At the expiration of each certification period, entitlement to NJ SNAP benefits ends. Further eligibility shall be established only upon a recertification based upon a newly completed application, an interview, and such verification as required by *N.J.A.C. 10:87-2.19* and *2.20*.

History

HISTORY:

Amended by R.1981 d.64, effective February 26, 1981.

See: 13 N.J.R. 226(b).

"A federally mandated . . . household." added.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Added (b).

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

In (a): revised N.J.A.C. reference.

Recodified from *N.J.A.C. 10:87-6.19* by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

Former *N.J.A.C. 10:87-6.20*, Suspension of categorically eligible households, recodified to *N.J.A.C. 10:87-6.21*.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Undesignated and rewrote former (a); deleted (b).

Administrative change.

See: *44 N.J.R. 1529(a)*.

Modified by Executive Order No. 103(2020), effective April 2, 2020.

See: *52 N.J.R. 978(b)*.

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N.J.A.C. 10:87-6.21

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§ 10:87-6.21 Certification period length

(a) Except for households assigned to simplified reporting (see *N.J.A.C. 10:87-9.5(b)*), the CSSA shall assign each household the longest certification period possible, consistent with its circumstances.

1. Households should be assigned certification periods of at least 12 months, unless a household's circumstances are unstable or the household contains an ABAWD.

2. Households with unstable circumstances, such as households with zero net income, and households with an ABAWD member, should be assigned certification periods consistent with their circumstances, but generally no less than three months.

3. Households may be assigned one- or two-month certification periods when it appears likely the household will become ineligible for NJ SNAP benefits in the near future.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

This section was "No continuation".

New Rule, R.1993 d.62, effective February 1, 1993.

See: 24 N.J.R. 3207(b), 25 N.J.R. 584(a).

Recodified from *N.J.A.C. 10:87-6.20* and amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (a)6, inserted "from the date the household reported the change" following "period". Former *N.J.A.C. 10:87-6.21*, Calendar months, recodified to *N.J.A.C. 10:87-6.22*.

Repeal and New Rule, R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Section was "Suspension of categorically eligible households".

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

In (a)3, substituted "food stamp benefits" for "food stamps".

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

In the introductory paragraph of (a), substituted "simplified" for "six month", in (a)1, substituted "12" for "six"; and in (a)3, substituted "one- or two-month" for "one or two month" and "NJ SNAP" for food stamp".

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§ 10:87-6.22 Calendar months

Certification periods shall conform to calendar months. At initial application, the first month in the certification period shall generally be the month of application, even if the household's eligibility is not determined until a subsequent month. For example, if a household files an application in January and the application is not processed until February, a 12-month certification period would include January through December. Upon recertification, the certification period will begin with the month following the last month of the previous certification period.

History

HISTORY:

Recodified from *N.J.A.C. 10:87-6.21* by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

Former *N.J.A.C. 10:87-6.22*, PA households, recodified to *N.J.A.C. 10:87-6.23*.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

Substituted "12-month" for "six-month" and "December" for "June".

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§ 10:87-6.23 PA households

(a) Households in which all members are included in a single WFNJ assistance unit (or combination of assistance units) shall have their NJ SNAP certification periods expire in conjunction with the scheduled redetermination of WFNJ assistance. Specific NJ SNAP certification periods must be assigned to these households in accordance with the provisions of this paragraph. The certification periods may be extended in order to align the NJ SNAP recertification date with the WFNJ redetermination date, but the certification periods shall only be extended when households are initially approved for WFNJ assistance. If the CSSA extends a household's certification period, it shall advise the household of the new certification ending date with a notice of the change.

(b) Households in which all members receive assistance under Title XIX of the Social Security Act or other medical assistance program may have their NJ SNAP recertification at the same time they are redetermined for assistance under Title XIX or other medical assistance program. The county agency must follow the same requirements that apply in (a) above.

History

HISTORY:

As amended, R.1979 d.422, effective October 18, 1979.

See: 11 N.J.R. 379(a), 11 N.J.R. 559(d).

As amended, R.1984 d.17, effective February 6, 1984.

See: 15 N.J.R. 1821(a), 16 N.J.R. 246(a).

Clarification of Food Stamp Certification versus AFDC certification.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Recodified from *N.J.A.C. 10:87-6.22* and amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

Rewrote the section. Former *N.J.A.C. 10:87-6.23*, Other households, recodified to *N.J.A.C. 10:87-6.24*.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (a), deleted "shortened or" in the third sentence and added the fourth sentence; deleted former (b) and (c) and recodified former (d) as new (b).

Administrative change.

See: *44 N.J.R. 1529(a)*.

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§ 10:87-6.24 Shortening certification periods

The CSSA shall not end a household's certification period earlier than its assigned termination date, unless the CSSA receives information that the household has become ineligible, or the household has not complied with the requirements of providing clarification in response to a Request For Contact. Loss of public assistance or a change in employment status is not sufficient in and of itself to meet the criteria necessary for shortening the certification period. The CSSA shall close the household's case or adjust the household's benefit amount in accordance with the Request for Contact (RFC) process in response to reported changes. The CSSA may not use the Notice of Expiration to shorten a certification period.

History

HISTORY:

New Rule, R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Former *N.J.A.C. 10:87-6.24*, Other households, recodified to *N.J.A.C. 10:87-6.26*.

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§ 10:87-6.25 Lengthening certification periods

The CSSA may lengthen a household's current certification period once it is established, as long as the total months of the certification period do not exceed 24 months for households in which all adult members are elderly or disabled, or 12 months for other households. If the CSSA extends a certification period, it shall advise the household of the new certification ending date with a notice containing the same information as the notice of eligibility.

History

HISTORY:

New Rule, R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

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§ 10:87-6.26 Other household certifications

(a) Households eligible for a certification period of three months or less at the time of certification, shall have their certification periods increased by one month if the certification process is completed after the 15th day of the month of application and the household's circumstances warrant it. For example, if a household eligible for a three-month certification period makes application in June and is not certified until late June or early July, the certification period would begin in June and go through September.

(b) Unless a household is eligible for simplified reporting, households containing one or more persons subject to a lockout or on strike from their place of employment shall not be certified for periods of more than one month, if the household is certified before the 15th day of the month of application. Otherwise, the maximum certification period shall be for two months.

(c) Unless a household is eligible for simplified reporting, households shall be certified for one or two months, as appropriate, when the household cannot reasonably predict what its circumstances will be in the near future, or when there is a substantial likelihood of frequent and significant changes in income or household status; for example, day laborers during the work season when income is uncertain and subject to extreme fluctuations during the work season due to the uncertainty of continuous employment or due to bad weather and other circumstances.

(d) Households shall be certified for 12 months if there is little likelihood of changes in income and household status; for example, households with a stable income record and for which major changes in income, deductions or composition are not anticipated.

(e) Households consisting entirely of unemployable or elderly persons with very stable income shall be certified for 12 to 24 months provided other household circumstances are expected to remain stable; for example, Social Security recipients, SSI recipients and persons who receive pensions or disability payments.

(f) Households whose primary source of income is from self-employment (including self-employed farmers) or from regular farm employment with the same employer shall be certified for 12 months and put on simplified reporting. Twelve-month certification periods may be assigned to farm workers who are provided their annual salaries on a scheduled monthly basis that does not change as the amount of work changes.

(g) A household comprised entirely of elderly or disabled individuals with or without earned income (see *N.J.A.C. 10:87-2.34*) may be allowed a 24-month certification period, provided that circumstances otherwise warrant. At the 12th month of the 24-month certification, the CSSA shall make one contact with the household, using the interim report form, to determine whether any changes have occurred. The method of contact, as well as any changes reported by the household, shall be documented in the household's case record and acted upon by the CSSA.

(h) Households eligible for a child support deduction that have no record of regular child support payments or of child support arrearages shall be certified for no more than three months. Households with a record of regular child support and arrearage payments shall be certified for no more than 12 months. These requirements do not apply to households whose certification periods are established in accordance with *N.J.A.C. 10:87-6.22* or *6.26(a)* or households eligible for simplified reporting.

History

HISTORY:

As amended, R.1981 d.97, effective April 9, 1981.

See: 13 N.J.R. 96(c), 13 N.J.R. 228(a).

(a)7 deleted.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Added (a)7 and 8.

Recodified from *N.J.A.C. 10:87-6.23* and amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (a), rewrote 7 and 8.

Recodified from *N.J.A.C. 10:87-6.24* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

In (b), (c) and (h), substituted "simplified" for "six month"; in (c), deleted "and migrant workers" following "laborers"; in (d), (f), and (h), substituted "12" for "six" preceding "months"; in (f), substituted "simplified" for "six-month" and "Twelve-month" for "Six-month"; and in (g), inserted "with or without earned income", ", using the interim report form," and "and act acted upon by the CWA".

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N.J.A.C. 10:87-7.1

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§ 10:87-7.1 Applicability

The procedures in this subchapter are to be used in conjunction with the certification procedures in N.J.A.C. 10:87-6 to determine eligibility and benefit levels for households with special income circumstances.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 New Jersey Register 2689(a), 21 New Jersey Register 511(b).

Substituted "N.J.A.C. 10:87-6" for "subchapter 6".

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N.J.A.C. 10:87-7.2

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§ 10:87-7.2 Self-employment income

(a) The CSSA shall calculate a household's self-employment income as follows:

1. Self-employment income shall be averaged over the period the income is intended to cover, even if the household receives income from other sources. If the averaged amount does not accurately reflect the household's actual circumstances because the household has experienced a substantial increase or decrease in business, the CSSA shall calculate the self-employment income on the basis of anticipated, not prior, earnings (such as a tax return).

i. If a household's self-employment enterprise has been in existence for less than a year, the income from that self-employment enterprise shall be averaged over the period of time the business has been in operation and the monthly amount projected for the coming year.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substituted "*N.J.A.C. 10:87-7.10*" for "section 10 of this subchapter".

New Rule, R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Former *N.J.A.C. 10:87-7.2*, Self-employment income, repealed.

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§ 10:87-7.3 Determining monthly income from self-employment

(a) For the period of time over which self-employment income is determined, the CSSA shall add all gross self-employment income (either actual or anticipated) and capital gains as specified in this subchapter, exclude the costs of producing the self-employment income, and divide the remaining amount of self-employment income by the number of months over which the income will be averaged. This amount is the monthly net self-employment income. The monthly net self-employment income shall be added to any other earned income received by the household to determine total monthly earned income. The total monthly earned income, less a 20 percent earned income deduction, shall then be added to all monthly unearned income received by the household.

1. If the cost of producing self-employment income exceeds the income derived from self-employment, as a farmer who receives or anticipates receiving annual gross proceeds of $ 1,000 or more from the farming enterprise, such losses shall be prorated and then offset against countable income to the household as follows:

i. Offset farm self-employment losses first against other self-employment income;

ii. Offset any remaining farm self-employment losses against the total amount of earned and unearned income after the earned income deduction has been applied.

2. If a CSSA determines that a household is eligible based on its monthly net income, the agency may elect to offer the household an option to determine the benefit level by using either the same net income which was used to determine eligibility, or by unevenly prorating the household's total net income over the period for which the household's self-employment income was averaged to more closely approximate the time when the income is actually received. If income is prorated, the net income assigned in any month cannot exceed the maximum monthly income eligibility standards for the household's size.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Added new (b) and recodified old (b) to (c).

New Rule, R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Former *N.J.A.C. 10:87-7.3*, Annualizing self-employment income, repealed.

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N.J.A.C. 10:87-7.4

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§ 10:87-7.4 Capital gains

(a) The proceeds from the sale of capital goods or equipment shall be calculated in the same manner as a capital gain for Federal income tax purposes. (Even if only 50 percent of the proceeds from the sale of capital goods or equipment is taxed for Federal income tax purposes, the CSSA shall count the full amount of the capital gain as income for NJ SNAP purposes.)

(b) For households whose self-employment income is calculated on an anticipated (rather than averaged) basis, the agency shall count the amount of capital gains the household anticipates receiving during the months over which the income is being averaged.

History

HISTORY:

Recodified from *N.J.A.C. 10:87-7.7* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Designated former paragraph as (a); added (b). Former *N.J.A.C. 10:87-7.4*, Self-employment part of annual support, repealed.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-7.5

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§ 10:87-7.5 Allowable costs of producing self-employment income

(a) Allowable costs of producing self-employment income include, but are not limited to, the identifiable costs of labor, stock, raw material, seed, fertilizer, payments on the principal of the purchase price of income-producing real estate and capital assets, equipment, machinery, and other durable goods, interest paid on the purchase of income-producing property, insurance premiums and taxes paid on income-producing property.

(b) The following items shall not be allowable as a cost of doing business.

1. Net losses from previous periods;

2. Federal, State and local income taxes;

3. Money set aside for retirement purposes and other work related personal expenses (such as transportation to and from work);

4. Depreciation of equipment, machinery or other capital investments; and

5. Any amount that exceeds the payment a household receives from a boarder for lodging and meals.

(c) When calculating the costs of producing self-employment income, CSSAs may elect to use actual costs for allowable expenses in accordance with (a) and (b) above, or determine self-employment expenses as follows:

1. For income from day care, use the current reimbursement amounts used in the Child and Adult Care Food Program or a standard amount based on estimated per-meal costs.

i. For NJ SNAP recipients who derive income from the provision of day care, CSSAs shall deduct from the day care income earned by the recipient, as a cost of doing business, any actual documented costs of providing meals.

2. For income from boarders, other than those in commercial boarding houses or from foster care boarders, use:

i. The maximum NJ SNAP allotment for a household size that is equal to the number of boarders; or

ii. A flat amount or fixed percentage of the gross income, provided that the method used to determine the flat amount or fixed percentage is objective and justifiable and is stated at *N.J.A.C. 10:87*.

3. For income from foster care boarders, use the standard amount that is used for TANF purposes.

History

HISTORY:

As amended, R.1984 d.17, effective February 6, 1984.

See: 15 N.J.R. 1821(a), 16 N.J.R. 246(a).

Added depreciation as cost of producing income.

Recodified from *N.J.A.C. 10:87-7.8* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section. Former *N.J.A.C. 10:87-7.5*, New self-employment enterprise, repealed.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

In the introductory paragraph of (c), inserted "in accordance with (a) and (b) above, or determine self-employment expenses".

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-7.6

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§ 10:87-7.6 Assigning certification periods

Households that receive their annual support from self-employment and have no other source of income shall be certified in accordance with *N.J.A.C. 10:87-6.26(f)*.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 New Jersey Register 2689(a), 21 New Jersey Register 511(b).

Recodified (a)1.-2. as (b)-(c).

Recodified from *N.J.A.C. 10:87-7.9* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

In former (a), deleted the designation and rewrote the paragraph; deleted (b) and (c). Former *N.J.A.C. 10:87-7.6*, Determining monthly income from self-employment, repealed.

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§ 10:87-7.7 Treatment of income and resources of non-household members

(a) During the period of time that a household member cannot participate because he or she is an ineligible alien, disqualified due to intentional program violation, refused to obtain and provide a social security number, refused to comply with a work registration requirement, or is ineligible for failing to sign the declaration attesting to his or her citizenship or alien status, the eligibility and benefit level of the remaining household member(s) shall be determined in accordance with this section.

(b) The eligibility and benefit level of any remaining household members of a household containing individuals determined ineligible because of disqualification for intentional program violation, voluntary quit or reduction of work, duplicate participation in the Program, trafficking, being a fleeing felon or parole violator, or refusal to comply with a work registration requirement shall be determined as follows:

1. The resources of the ineligible household member(s) shall continue to be counted in their entirety to the remaining household members.

2. The income of the ineligible household member(s) shall continue to be counted in its entirety and the entire household's allowable 20 percent earned income, standard, medical, dependent care, child support payments, and excess shelter deductions shall continue to apply to the remaining household members.

3. The ineligible member(s) shall not be included when determining the household's size for the purpose of:

i. Comparing the household's resources with the resource eligibility limits;

ii. Comparing the household's monthly income with the income eligibility standards; or

iii. Assigning a benefit level to the household. The CSSA shall ensure that no household's benefit allotment is increased solely as a result of the exclusion of one or more household members.

(c) The eligibility and benefit level of any remaining household members of a household containing individuals determined ineligible for being an ineligible alien, for failing to sign the declaration attesting to his or her citizenship or alien status, for not meeting the able-bodied adults without dependents (ABAWDS) work activity requirement (*N.J.A.C. 10:87-*

10.20), or because of disqualification for refusal to obtain or provide a Social Security number shall be determined as follows:

1. The resources of such ineligible member(s) shall continue to count in their entirety to the remaining household members.

2. A pro rata share of the income of such ineligible member(s) shall be counted as income to the remaining member(s). This pro rata share is calculated by first subtracting the allowable exclusions (see *N.J.A.C. 10:87-5.9*) from the ineligible members' income and then dividing the income evenly among the household members, including the ineligible member(s). All but the ineligible members' share is counted as income to the remaining household members.

3. The 20 percent earned income deduction shall apply to the prorated income earned by such ineligible members which is attributed to their households. That portion of the household's allowable shelter, child support payments, and dependent care expenses which are either paid by or billed to the ineligible member(s) shall be divided evenly among the household members, including the ineligible member(s). All but the ineligible members' share is counted as a deductible child support payment, shelter and/or dependent care expense for the remaining household members.

4. The ineligible member(s) shall not be included when determining the household's size for purposes of:

i. Comparing the household's resources with the resource eligibility limits;

ii. Comparing the household's monthly income with the income eligibility standard; or

iii. Assigning a benefit level to the household.

(d) Whenever an individual is determined to be ineligible within the household's certification period, the CSSA shall determine the eligibility or ineligibility of the remaining household members based, insofar as possible, on information in the case record and shall take the following action:

1. If a household's benefits are reduced or terminated within the certification period because one of its members was excluded because of disqualification for intentional program violation, the CSSA shall notify the remaining members of their eligibility and benefit level at the same time the excluded member is notified of his or her disqualification. The household is not entitled to a notice of adverse action but may request a fair hearing to contest the reduction or termination of benefits, unless the issue of the amount of the claim was addressed at the time of the administrative disqualification hearing.

2. If a household's benefits are reduced or terminated within the certification period for reasons other than an Intentional Program Violation disqualification, the CSSA shall issue a notice of adverse action in accordance with *N.J.A.C. 10:87-9.5(c)*1i which informs the household of the ineligibility, the reason for the ineligibility, the eligibility and benefit level of the remaining members, and the action the household shall take to end the ineligibility.

(e) For those non-household members who are ineligible for reasons other than those set forth at *N.J.A.C. 10:87-2.3(c)*, such as ineligible students (see *N.J.A.C. 10:87-2.3(a)*2), the income and resources of the non-household member shall not be considered available to the household with whom the individual resides.

1. Cash payments from the nonhousehold member to the household will be considered income under the normal income procedures at *N.J.A.C. 10:87-5.5*.

2. Vendor payments, as defined at *N.J.A.C. 10:87-5.9(a)*2, shall be excluded as income.

3. If the household shares deductible expenses with the nonhousehold member, only the amount actually paid or contributed by the household shall be deducted as household expenses. If payments or contributions cannot be differentiated, the expenses shall be prorated evenly among persons actually paying or contributing to the expense and only the household's pro rata share deducted.

4. When the earned income of one or more household members and the earned income of a nonhousehold member are combined into one wage, the income of the household members shall be determined as follows:

i. If the household's share can be identified, the CSSA shall count that portion due to the household as earned income.

ii. If the household's share cannot be identified, the CSSA shall prorate the earned income among all those whom it was intended to cover and count that prorated portion to the household.

(f) Nonhousehold members shall not be included when determining household size for the following purposes:

1. Assigning a benefit level;

2. Comparing the household's monthly income with the income eligibility standards; or

3. Comparing household resources with the resource eligibility limits.

(g) An absent military person shall not be included when determining household size and NJ SNAP benefit level.

1. Procedures for handling an absent military person's income are:

i. Only monies actually made available to the participating NJ SNAP household by the absent military person are counted;

ii. Monies are generally made available via a direct deposit of all or a portion of the absent military person pay into a joint checking account; or

iii. When an allotment arrangement is made, it is the absent military person who receives the allotment with the bulk of his or her pay being sent directly to his or her family. Only that portion of his or her pay that the participating household has access to shall be counted when determining the household's earned income, regardless of the arrangement made by the absent member for their military pay.

2. Procedures for handling an additional payment received by a member of the United States Armed Services deployed to a designated combat zone are as follows:

i. This additional payment shall be excluded from the household's income for the duration of the service member's deployment, if the additional pay is the result of deployment to or serving in a combat zone, and it was not received immediately prior to serving in the combat zone;

ii. Establish what amount of the absent military person's pay was actually available to the household prior to deployment.

(1) If the amount of pay made available is equal to or less than the amount that the household was receiving prior to deployment to a designated combat zone, all of the amount actually made available to the household shall be counted as earned income.

(2) If the amount actually made available to the household exceeds the amount the household was receiving prior to deployment to a designated combat zone, that excess amount shall be excluded when determining the household's earned income for NJ SNAP purposes; and

iii. Determine the amount of military pay that the absent military person deployed in a designated combat zone is currently making available to his or her family.

(1) If the amount is equal to or less than the amount the household was receiving prior to deployment, all of the amount actually made available to the household shall be counted as earned income.

(2) If the amount made available exceeds the amount the household was receiving prior to deployment, that excess amount shall be excluded when determining the household's earned income.

History

HISTORY:

Amended by R.1981 d.97, effective April 9, 1981.

See: 13 N.J.R. 96(c), 13 N.J.R. 228(a).

(a): "or failure . . . N.J.A.C. 10:87-3.20(d)" deleted.

(a)5i deleted.

(a)5ii renumbered as (a)5i.

Amended by R.1983 d.223, effective May 31, 1983.

See: 15 N.J.R. 629(a), 15 N.J.R. 1033(a).

Originally adopted as an Emergency Rule, R.1983 d.116, effective March 31, 1983, operative April 1, 1983. The amendment is pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

Full descriptions of treatment of income and resources of "excluded" as opposed to "disqualified" household members.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1990 d.565, effective November 19, 1990.

See: 22 N.J.R. 2219(a), 22 N.J.R. 3486(a).

Specified how to treat the income and resources of individuals who fail to attest to their citizenship or alien status when determining the eligibility and benefit level of remaining household members, in accordance with the Federal regulations at *7 CFR 273.11*; established the dependent care deduction as a separate deduction from the shelter deduction.

Amended by R.1991 d.247, effective May 6, 1991.

See: 23 N.J.R. 179(a), 23 N.J.R. 1412(b).

In (a) and (b): added phrase, "... refused/refusal to comply with work registration requirement ..."

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (b), rewrote the introductory paragraph, and inserted a reference to child support payments in 2; and in (c), inserted "for not meeting the able-bodied adults without dependents (ABAWDS) work activity requirement (*N.J.A.C. 10:87-10.25*)," following "status," in the introductory paragraph, and inserted a reference to child support payments in the second sentence of 3.

As amended, R.1983 d.223, effective May 31, 1983.

See: 15 N.J.R. 629(a), 15 N.J.R. 1033(a).

Originally adopted as an Emergency Rule, R.1983 d.116, effective March 31, 1983, operative April 1, 1983. The amendment is pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

Language added about combined incomes of household and nonhousehold members.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Added (b).

Recodified from *N.J.A.C. 10:87-7.14* and *10:87-7.15* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section. Former *N.J.A.C. 10:87-7.7*, Capital gains, recodified to *N.J.A.C. 10:87-7.4*.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

In (b)3iii, substituted "benefit" for "coupon"; and in (c)2, substituted first occurrence of "is" for "in".

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

In the introductory paragraph of (b), deleted "convicted of possession, use, or distribution of a controlled substance," following "violator,"; and added (g).

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N.J.A.C. 10:87-7.8

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§ 10:87-7.8 Residents of substance abuse treatment and rehabilitation programs

(a) Substance abusers, who regularly participate in publicly operated or private nonprofit substance abuse treatment and rehabilitation programs on a resident basis, may voluntarily apply for the NJ SNAP program.

1. Applications shall be made through an authorized representative who is employed by the substance abuse center (SAC) and designated by the center for that purpose (see also *N.J.A.C. 10:87-2.7(e)*). The CSSA may require the household to designate the SAC as its authorized representative for the purpose of accessing the allotment on behalf of the household.

2. SAC residents shall have their eligibility determined as a one-person household unless their children are living with them, in which case their children shall be included in the household with the parent.

3. As an FNS authorized retailer, SACs shall redeem NJ SNAP benefits by using individual household Families First cards to access a point of sale (POS) device at the center.

(b) CSSA responsibilities are as follows:

1. Prior to certifying any residents for NJ SNAP benefits, the CSSA shall verify that the SAC is authorized by FNS as a retailer in accordance with *N.J.A.C. 10:87-2.7(d)*2 or that it comes under part B of Title XIX of the Public Health Service Act, *42 U.S.C. §§ 300x* et seq.

2. The CSSA shall certify residents of SACs using the same provisions that apply to all other households, including, but not limited to, notices of adverse action, fair hearings, and entitlement to lost benefits.

3. When expedited processing standards as described at *N.J.A.C. 10:87-2.26* through *2.30* are necessary, eligibility for initial application shall be processed on an expedited basis and the CSSA shall complete verification and documentation requirements prior to issuance of a second allotment.

4. When normal processing standards apply, the CSSA shall complete the verification and documentation requirements prior to making an eligibility determination for the initial application.

5. The CSSA shall process changes in household circumstances and recertifications by using the same standards that apply to all other households.

6. At least once every three months, the CSSA shall conduct a random on-site visit to the center to ensure the accuracy of the participating resident list provided by the SAC and to also ensure that the CSSA's records are consistent and up-to-date.

7. The CSSA shall promptly notify DFD when it has reason to believe that a SAC is misusing benefits in its possession. However, the CSSA shall take no action prior to FNS action against the SAC.

8. The CSSA shall establish a claim for overissuances of NJ SNAP benefits held on behalf of resident clients as stipulated at *N.J.A.C. 10:87-7.11(h)* if any overissuances are discovered during an investigation or hearing procedure for redemption violations. If FNS disqualifies a SAC as an authorized retail food store, the CSSA shall suspend its authorized representative status for the same period.

(c) SAC responsibilities are as follows:

1. As an authorized representative, the SAC shall be knowledgeable about household circumstances and shall carefully review those circumstances with residents prior to applying on their behalf.

2. The SAC shall notify the CSSA of changes in the household's circumstances as provided at *N.J.A.C. 10:87-9.5*.

3. On a monthly basis, the SAC shall provide to the CSSA a list of currently participating residents that includes a statement signed by a responsible center official attesting to the validity of the list.

4. After the household leaves the SAC, the SAC can no longer act as the household's authorized representative for certification purposes or for obtaining or accessing benefits.

5. The SAC shall be responsible for any misrepresentation or Intentional Program Violation that it knowingly commits in the certification of SAC residents.

6. The SAC shall be strictly liable for all losses or misuse of NJ SNAP benefits held on behalf of resident households and for all overissuances that occur while the households are residents of the SAC.

7. The SAC authorized by FNS as a retail food store shall be penalized or disqualified if it is determined administratively or judicially that benefits were misappropriated or used for purchases that did not contribute to a certified household's meals.

(d) CSSA and SAC responsibilities upon a resident's leaving are as follows:

1. When a household leaves the SAC, the SAC shall immediately notify the CSSA and inform the household to contact the CSSA as soon as possible. Upon notification

from the SAC, the CSSA shall immediately inactivate the household's Families First card.

i. Prior to informing the CSSA of a recipient's departure, the SAC shall ensure that it has debited/credited the recipient's Families First account with the appropriate amount of the monthly benefit.

ii. If possible, the SAC shall also provide the household with a change report form to report to the CSSA the household's new address and other circumstances after leaving the SAC and shall advise the household to return the form to the appropriate CSSA office within 10 working days.

iii. The SAC shall immediately return the Families First card (and ID card if one was issued) to the CSSA if it was in the possession of the SAC.

2. If benefits have been issued and not used by the SAC on behalf of that individual household, the SAC is not entitled to access the household's benefit. This policy is applicable at any time during the month.

3. If benefits have already been issued and any portion accessed by the SAC on behalf of the household, the following procedures shall be followed:

i. If the household left the SAC prior to the 16th of the month, the SAC is not entitled to more than one-half of the household's monthly allotment. The household is entitled to the remaining half of the allotment and the CSSA shall ensure that it is available in the household's Families First account. If the SAC has already debited the household's NJ SNAP account for more than one-half of the monthly allotment, the SAC shall credit the account with an amount equal to one-half of the monthly allotment by performing a NJ SNAP benefit return.

ii. If the household left the SAC on or after the 16th day of the month, and the household's allotment has already been used and accessed by the SAC, the household is not entitled to receive any benefits. However, the household, not the SAC, shall be allowed to receive any remaining benefits posted to the Families First account at the time the household leaves the center.

4. Upon leaving the SAC, the household shall visit the CSSA to obtain a new Families First card, which will give the household access to any NJ SNAP benefits that remain available in the household's NJ SNAP benefit account.

History

HISTORY:

New Rule, R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Former *N.J.A.C. 10:87-7.8*, Allowable costs of producing self-employment income, recodified to *N.J.A.C. 10:87-7.5*.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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§ 10:87-7.9 Residents of group living arrangements

(a) Disabled and blind residents of a group living arrangement (GLA) who receive benefits under Title II or Title XVI of the Social Security Act may apply either through use of an authorized representative employed and designated by the GLA or on their own behalf or through an authorized representative of their own choice.

(b) The GLA shall determine if a resident may apply on their own behalf based on the resident's physical and mental abilities to handle their own affairs. Some residents of the GLA may apply on their own behalf while other residents of the same GLA may apply through the GLA's representative. The GLA is responsible for complying with the requirements set forth in this subchapter and at *N.J.A.C. 10:87-2.7(e)* and *10:88-3.5*.

1. If the resident applies through the use of the GLA as authorized representative, his or her eligibility shall be determined as a one person household.

2. If the residents apply on their own behalf, the household size shall be in accordance with provisions set forth at *N.J.A.C. 10:87-2.7(e)*.

i. If the resident has made application on his or her own behalf, the household is responsible for reporting changes to the CSSA in accordance with provisions set forth at *N.J.A.C. 10:87-9.5*. The resident applying on his or her own behalf shall be responsible for any overissuances that may occur.

3. Whether the resident applies on his or her own behalf or through the GLA as their authorized representative, the NJ SNAP benefits always belong to the resident and not to the facility.

(c) CSSA responsibilities are as follows:

1. Prior to certifying any residents, the CSSA shall verify that the GLA is authorized by FNS or is certified by the appropriate agency of the State, including the agency's determination that the facility is a nonprofit organization.

2. The CSSA shall certify residents of GLAs by using the same provisions that apply to all other applicant households except that certification may also be accomplished through the use of an authorized representative of the GLA or another representative chosen by the applicant.

3. The CSSA responsibilities applicable to SACs regarding certification, expedited processing, normal processing, processing changes and recertifications found at *N.J.A.C. 10:87-7.8(b)*2 through 8 also apply to GLA facilities.

4. At least once every three months, the CSSA shall conduct a random on-site visit to the facility to ensure the accuracy of the participating resident list provided by the GLA and to ensure that the CSSA's records are consistent and up-to-date.

5. If the CSSA determines administratively or judicially that benefits have been misappropriated or used for purchases that do not contribute to a certified household's meals, the CSSA shall promptly notify DFD who will notify FNS.

6. If the GLA is disqualified by FNS as an authorized retail food store, the CSSA shall suspend its authorized representative status for the same time, however, residents applying on their own behalf shall still be able to participate, if otherwise eligible.

(d) GLA responsibilities are as follows:

1. The GLA may act as a household's authorized representative for up to 16 persons and is responsible for reporting changes in the income or other household circumstances (see also *N.J.A.C. 10:87-9.5*), as well as, when the individual leaves the GLA.

i. As authorized representative, the facility shall be knowledgeable about household circumstances and shall carefully review those circumstances with residents prior to applying on their behalf.

2. The same provisions applicable to residents of SACs as provided at *N.J.A.C. 10:87-7.8(c)*3 apply to blind or disabled residents of GLA facilities when the facility acts as the resident's authorized representative.

3. The same provisions applicable to SACs found at *N.J.A.C. 10:87-7.8(c)* 5 through 7 also apply to GLAs when acting as authorized representatives. These provisions, however, are not applicable if a resident has applied on his or her own behalf. The resident applying on his or her own behalf shall be responsible for overissuances as would any other household.

4. On a monthly basis, the GLA shall provide to the CSSA a list of currently participating residents that includes a statement signed by a responsible facility official attesting to the validity of the list.

(e) CSSA and GLA responsibilities upon a resident's leaving are as follows:

1. The following applies when a household leaves a GLA which acted as an authorized representative:

i. That GLA no longer acts as an authorized representative for that household and is not entitled to use or access any of the household's benefits he or she receives after the client has left the GLA. The GLA shall immediately notify the CSSA and inform the household to contact the CSSA as soon as possible. Upon notification from the GLA, the CSSA will immediately inactivate the household's Families First card.

ii. Prior to informing the CSSA of a recipient's departure, the GLA shall ensure that it has debited/credited the recipient's Families First account with the appropriate amount of the monthly benefit.

iii. If possible, the GLA shall also provide the household with a change report form to report to the CSSA the household's new address and other circumstances after leaving the GLA and shall advise the household to return the form to the appropriate CSSA office within 10 working days.

iv. The GLA shall immediately return the Families First card (and ID card if one was issued) to the CSSA if it was in the possession of the GLA.

v. If benefits have been issued and not used by the GLA on behalf of that individual household, the GLA is not entitled to access the household's benefit. This policy is applicable at any time during the month.

vi. If benefits have already been issued and any portion accessed by the GLA on behalf of the household, the following procedures shall be adhered to:

(1) If the household left the GLA prior to the 16th of the month, the GLA is not entitled to more than one-half of the household's monthly allotment. The household is entitled to the remaining half of the allotment and the CSSA shall ensure that it is available in the household's Families First account. If the GLA has already debited the household's NJ SNAP benefit account for more than one-half of the monthly allotment, the GLA shall credit the account with an amount equal to one-half of the monthly allotment by performing an NJ SNAP benefit return.

(2) If the household left the GLA on or after the 16th day of the month, and the household's allotment has already been used and accessed by the GLA, the household is not entitled to receive any benefits. However, the household, not the GLA, shall be allowed to receive any remaining benefits posted to the Families First account at the time the household leaves the center.

vii. Upon leaving the GLA, the household shall be directed to visit the CSSA to obtain a new Families First card which will give the household access to any NJ SNAP benefits that remain available in the household's NJ SNAP benefit account.

2. If the resident has made application on his or her own behalf and the GLA is not acting as his or her authorized representative, the household not the GLA, is responsible for reporting changes to the CSSA. When the household leaves the GLA, the household, not the GLA, is entitled to the full allotment. This procedure is appropriate any time of the month.

History

HISTORY:

New Rule, R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Former *N.J.A.C. 10:87-7.9*, Assigning certification periods, recodified to *N.J.A.C. 10:87-7.6*.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-7.10

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§ 10:87-7.10 Residents of shelters for battered women and their children

(a) A shelter for battered women and their children means a public or private nonprofit residential facility that serves battered women and their children. If such a facility serves other individuals, a portion of the facility shall be set aside on a long-term basis to serve only battered women and children.

1. Prior to certifying its residents under this paragraph, the CSSA shall determine that the shelter for battered women and children meets the definition at (a) above and document the basis of this determination. Shelters having FNS authorization to redeem benefits at wholesalers shall be considered as meeting the definition and the CSSA is not required to make any further determination. The CSSA shall maintain a list of shelters meeting the definition to facilitate prompt certification of eligible residents following the special procedures outlined in (b) through (f) below.

(b) Since many shelter residents have recently left a household containing the person who has abused them, their former household may be certified for participation in the NJ SNAP program and its certification may be based on a household size that includes the women and children who have just left. Shelter residents who are included in such certified households may nevertheless apply for and (if otherwise eligible) participate in the NJ SNAP program as separate households if such certified household which includes them is the household containing the person who subjected them to abuse. Shelter residents who are included in such certified households may receive an additional allotment as a separate household only once a month.

(c) Shelter residents who have recently left a household containing the person who has abused them are encouraged to apply as a separate household and shall be certified solely on the basis of their income and resources and the expenses for which they are responsible without regard to the income, resources and expenses of their former household.

1. Jointly held resources shall be considered inaccessible if such resources meet the provisions at *N.J.A.C. 10:87-4.4(c)*.

(d) Room payments to the shelter shall be considered as shelter expenses.

(e) Any shelter residents eligible for expedited service shall be handled in accordance with the provisions at *N.J.A.C. 10:87-2.32* through *2.35*.

(f) CSSAs shall take prompt action to ensure that the former household's eligibility or allotment reflects the change in the household's composition. Such action shall include acting on the reported change, as appropriate, and by issuing a notice of adverse action in accordance with *N.J.A.C. 10:87-9.5*.

History

HISTORY:

New Rule, R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Former *N.J.A.C. 10:87-7.10*, Households with boarders, repealed.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-7.11

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§ 10:87-7.11 Deeming of income and resources of an alien's sponsor

(a) A sponsored alien is an alien for whom a person (the sponsor) has executed an affidavit of support (Bureau of Citizenship and Immigration Services Form I-864 or I-864A) on behalf of the alien pursuant to section 213A of the INA. Only in the event a sponsored alien is an eligible alien shall the CSSA consider available to the household the income and resources of the sponsor and sponsor's spouse.

1. For purposes of determining the eligibility and benefit level of a household of which an eligible sponsored alien is a member, the CSSA shall deem the sponsor's income and resources until the alien gains United States citizenship, has worked or can receive credit for 40 qualifying quarters of work, or the sponsor dies.

(b) Procedures for the deeming of income are as follows:

1. The monthly income of the sponsor and sponsor's spouse, if he or she has executed the USCIS Form I-864 or I-864A, deemed as that of the eligible sponsored alien shall be the total monthly earned and unearned income, taking into consideration allowable exclusions of the sponsored and sponsor's spouse at the time the household containing the sponsored alien member applies or is recertified for participation, reduced by:

i. A 20 percent earned income amount for that portion of the income determined as earned income of the sponsor and the sponsor's spouse; and

ii. An amount equal to the Program's monthly gross income eligibility limit for a household equal in size to the sponsor, the sponsor's spouse and any other person who is claimed or could be claimed by the sponsor or the sponsor's spouse as a dependent for Federal income tax purposes (see *N.J.A.C. 10:87-12.4*);

2. If the alien has already reported gross income information on his or her sponsor in compliance with the sponsored alien rules of another State agency administered assistance program, the CSSA may use that income amount for NJ SNAP program deeming purposes. However, the CSSA shall limit allowable reductions to the total gross income of the sponsor and the sponsor's spouse prior to attributing an income amount to the alien to the amount specified in (b)1i and ii above.

3. The CSSA shall consider as income to the alien any money the sponsor or the sponsor's spouse pays to the eligible sponsored alien, but only to the extent that the

money exceeds the amount deemed to the eligible sponsored alien in accordance with (b)1 above; and

4. If a sponsored alien can demonstrate to the satisfaction of the CSSA that his or her sponsor is the sponsor of other aliens, the CSSA shall divide the income and resources deemed at (b)1i and ii above by the number of such sponsored aliens.

(c) Procedure for the deeming of resources is as follows:

1. The CSSA shall deem as available to the eligible sponsored alien the total amount of the resources of the sponsor (and sponsor's spouse if applicable) in accordance with *N.J.A.C. 10:87-4.3(b)*, reduced by $ 1,500; and

2. The CSSA shall not count the resources of expanded categorical alien household's sponsors or the sponsor's spouse.

(d) Until the alien provides information or verification necessary to carry out the provisions of this section, the sponsored alien is ineligible.

1. The CSSA shall determine the eligibility of any remaining household members.

2. The CSSA shall consider available to the remaining household members the income and resources of the ineligible alien (excluding the deemed income and resources of the alien's sponsor and sponsor's spouse) in determining the eligibility and benefit level of the remaining household members.

3. If the CSSA subsequently receives information or verification, it shall act on the information as a reported change in household membership in accordance with the timeliness standards (reporting changes) at *N.J.A.C. 10:87-9.5*, as appropriate.

4. If the same sponsor is responsible for the entire household, the entire household is ineligible until such time as the household provides the needed sponsor information or verification.

5. The CSSA shall assist aliens in obtaining verification (providing information). For example, if the CSSA has access, it can use the Systematic Alien Verification for Entitlements (SAVE) system or it may submit Document Verification Request forms to the local BCIS office.

(e) Procedures on exempt aliens are as follows:

1. Sponsor to immigrant deeming does not apply to the following aliens:

i. Any alien whose sponsor has not signed a legally binding affidavit of support;

ii. Any alien participating in the NJ SNAP program as a member of the sponsor's household;

iii. Any alien sponsored by a group or organization instead of an individual;

iv. Any alien not required to have a sponsor under the Immigration and Nationality Act, such as a refugee, a parolee, an alien granted asylum, or a Cuban or Haitian entrant;

v. An indigent alien that the CSSA has determined is unable to obtain food and shelter, taking into account the alien's own income plus any cash, food, housing or

other assistance provided by other individuals, including the sponsor(s). For purposes of this subparagraph, the phrase "is unable to obtain food and shelter" means that the sum of the eligible sponsored alien's household's own income, the cash contributions of the sponsor and others and the value of any in-kind assistance the sponsor and others provide, does not exceed 130 percent of the gross NJ SNAP eligibility limit for the household's size. The CSSA shall determine the amount of income and other assistance provided in the month of application. If the alien is indigent, the only amount that the CSSA shall deem to such alien shall be the amount actually provided for a period beginning on the date of such determination and ending 12 months after that date. Each indigence determination is renewable for additional 12-month periods. The CSSA shall notify the United States Attorney General with the details of sponsor and alien names for each determination. The information can be reported to: The Attorney General, United States Department of Justice, 950 Pennsylvania Avenue, Washington, DC 20630-0001;

vi. Any sponsored alien, if ineligible for NJ SNAP benefits because of immigration status (that is, is not a qualified alien), the sponsor's income is not deemed to other eligible members of the immigrant's household;

vii. A battered alien spouse, alien parents, alien parent of a battered child, or child of a battered alien, for 12 months after the CSSA determines that the battering is substantially connected to the need for benefits, and the battered individual does not live with the batterer as outlined at *N.J.A.C. 10:87-3.8(a)*7. After 12 months, the CSSA shall not deem the batterer's income and resources if the battery is recognized by a court or the BCIS and has substantial connection to the need for benefits, and the alien does not live with the batterer.

(f) The sponsored alien and his or her spouse are responsible for providing the CSSA with any information necessary to determine the income and resources of the alien's sponsor and the sponsor's spouse. The alien and his or her spouse shall also be responsible for demonstrating to the CSSA that the sponsor also sponsors other aliens, how many, and for obtaining any necessary cooperation from the sponsor.

(g) During the period that the alien is subject to deeming, the eligible sponsored alien is responsible for obtaining the cooperation of the sponsor and for providing the CSSA at the time of application and at the time of recertification with the information and documentation necessary to calculate deemed income and resources in accordance with this section.

1. The eligible sponsored alien is responsible for providing the names and other identifying factors of other aliens for whom the alien's sponsor has signed an affidavit of support. The CSSA shall attribute the entire amount of income and resources to the applicant eligible sponsored alien until he or she provides the information specified under this paragraph.

2. The eligible sponsored alien is responsible for reporting the required information about the sponsor and sponsor's spouse should the alien obtain a different sponsor during the certification period.

3. The eligible sponsored alien is also responsible for reporting, subject to the applicable reporting requirements, a change in income should the sponsor change or lose employment or die during the certification period.

(h) Claims for overissuance are as follows:

1. Any sponsor of an alien and the alien shall be jointly and severally liable for repayment of any overissuance of benefits as a result of incorrect information provided by the sponsor. However, if the alien's sponsor had good cause or was without fault for supplying the incorrect information, the alien's household shall be solely liable for repayment of the overissuance.

i. For the purpose of this section, "good cause" shall include but is not limited to circumstances in which the sponsor did not knowingly or willfully provide incorrect information.

ii. For the purpose of this section, "without fault" shall include, but is not limited to, circumstances in which the alien misrepresented or misstated the financial status of the sponsor;

2. Where the sponsor did not have good cause, the CSSA shall decide whether to establish a claim for the overissuance against the sponsor or the alien's household, or both. The CSSA may choose to establish claims against both parties at the same time or establish a claim against the party it deems most likely to repay first. If a claim is established against the alien's sponsor first, the CSSA shall ensure that a claim is established against the alien's household whenever the sponsor fails to respond to the CSSA's demand letter within 30 days of receipt. The CSSA shall return to the alien's sponsor and/or the alien's household any amount repaid in excess of the total amount of the claim;

3. The CSSA shall initiate collection against a sponsor by sending a written demand letter, which informs the sponsor of the amount owed, the reason for the claim, how the claim may be repaid and that the sponsor will not be held liable if he or she can demonstrate that he or she was not at fault or had good cause for providing incorrect information. The CSSA shall follow the demand letter with a Request for Contact Letter, if appropriate, in accordance with *N.J.A.C. 10:87-9.5(c)*1. The sponsor is entitled to a fair hearing, either to contest a determination that the sponsor was at fault where it was determined that incorrect information had been provided or as to contest the amount of the claim.

i. The CSSA may pursue other means of collection if the sponsor fails to respond to the demand letter.

ii. The CSSA may terminate collection action against the sponsor at any time if it can document that the sponsor cannot be located or that the cost of further collection is likely to exceed the amount that can be recovered.

iii. If the sponsor responds to the demand letter and is financially able to pay the claim at one time, the CSSA shall collect a lump sum cash payment. If the sponsor is not financially able to repay the claim at one time, a repayment schedule may be

negotiated as long as the payments are provided in regular installments. Funds collected shall be forwarded to DFD in accordance with *N.J.A.C. 10:87-11.20(w)*;

4. Prior to initiating collection action against the household of a sponsored alien for repayment of an overissuance caused by incorrect information having been supplied concerning the alien's sponsor or sponsor's spouse, the CSSA shall determine whether such incorrect information was supplied due to inadvertent household error, or an act of intentional program violations on the part of the alien. These actions shall be taken regardless of the current eligibility of the sponsored alien or the alien's household.

i. If sufficient documentary evidence exists to substantiate that the incorrect information concerning the alien's sponsor or sponsor's spouse was provided due to intentional program violation on the part of the alien, the CSSA shall pursue the case in accordance with the procedures specified at *N.J.A.C. 10:87-11.20* for intentional program violations. The claim against the alien's household shall be handled as an inadvertent household error claim prior to the determination of intentional program violation by an administrative law judge or a court of appropriate jurisdiction.

ii. If the CSSA determines that the incorrect information was supplied due to misunderstanding or unintended error on the part of the sponsored alien, the claim shall be handled as an inadvertent household error claim in accordance with the procedures specified at *N.J.A.C. 10:87-11.20(f)*. These actions shall be taken regardless of the current eligibility of the sponsored alien or the alien's household; and

5. The CSSA shall exclude any sponsor from restitution who is participating in the NJ SNAP program for the value of NJ SNAP benefits issued to an eligible sponsored alien he or she sponsors.

History

HISTORY:

R.1983 d.121, effective April 4, 1983.

See: 15 N.J.R. 247(a), 15 N.J.R. 625(b).

Originally adopted as an Emergency Rule, R.1983 d.38, effective January 31, 1983.

Pursuant to the Federal Omnibus Budget Reconciliation Act of 1982 and Commodity Distribution Amendments of 1981.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

In (f)3: revised N.J.A.C. reference.

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (b)3, added i; and in (c)1, added i.

Amended by R.1999 d.6, effective January 4, 1999.

See: *30 N.J.R. 3451(a)*, *31 N.J.R. 69(a)*.

In (b)5, substituted a reference to WFNJ/TANF for a reference to AFDC.

Recodified from *N.J.A.C. 10:87-7.18* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section. Former *N.J.A.C. 10:87-7.11*, Income from the boarder, repealed.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

In (h)1, substituted "benefits" for "coupons".

Amended by R.2009 d.94, effective March 16, 2009.

See: *40 N.J.R. 5932(a)*, *41 N.J.R. 1245(b)*.

In (e)1vi, substituted "stamp benefits" for "stamps".

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

Section was "Deeming of income and resources of alien sponsors". In the introductory paragraph of (b)1, substituted "USCIS" for "Bureau of Citizenship and Immigration Services (BCIS)"; in (b)1ii, substituted "Program's" for "program's" and a semicolon for a period at the end, and deleted a comma following the first occurrence of "spouse"; in (b)2, (e)1ii and (h)5, substituted "NJ SNAP program" for "Food Stamp Program"; in (b)3, (c)1 and (h)4ii, substituted "; and" for a period at the end; in (c)1, updated the N.J.A.C. reference; added (c)2; in (e)1v, (e)1vi and (h)5, substituted "NJ SNAP" for "food stamp"; in (e)1v, deleted a comma following "housing" and the first occurrence of "others"; in (h)1ii, (h)2 and (h)3iii, substituted a semicolon for a period at the end; in (h)1ii, inserted a comma following "include" and "to"; and in (h)3, inserted a comma following the first occurrence of "letter" and deleted a comma following "repaid".

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N.J.A.C. 10:87-7.12

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 87. NEW JERSEY SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (NJ SNAP) MANUAL > SUBCHAPTER 7. SPECIAL INCOME CIRCUMSTANCES

§ 10:87-7.12 Homeless NJ SNAP households and homeless meal providers

(a) Homeless NJ SNAP households shall be permitted to use their NJ SNAP benefits to purchase prepared meals from approved homeless meal providers (see *N.J.A.C. 10:87-2.10(e)*).

(b) Homeless meal providers are public or private nonprofit organizations as defined by the IRS, that apply for and qualify as retail food stores to accept NJ SNAP benefits from homeless NJ SNAP recipients. The homeless meal provider shall be responsible for obtaining written approval from the New Jersey Division of Family Development, for submission to FNS prior to obtaining final authorization to accept NJ SNAP benefits. Homeless meal providers serving meals that consist solely of donated foods shall not be eligible for NJ SNAP EBT issuance redemption authorization. The FNS reserves the right to limit participation of homeless meal providers when evidence obtained indicates that participation of the provider indicates possible damage to the integrity of the NJ SNAP program.

History

HISTORY:

New Rule, R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Recodified from *N.J.A.C. 10:87-7.19* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (a), amended the N.J.A.C. reference; in (b), substituted "Family Development" for "Economic Assistance" following "New Jersey Division of". Former *N.J.A.C. 10:87-7.12*, Cost of doing business, repealed.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

In (b), substituted "EBT issuance" for "coupon".

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

Section was "Homeless Food Stamp households and homeless meal providers". Substituted "NJ SNAP" for "food stamp" throughout; in (a), substituted the first occurrence of "NJ SNAP" for "Food Stamp"; in (b), substituted "NJ SNAP benefits" for "food stamps" twice, substituted the first occurrence of "FNS" for "the Food and Nutrition Services (FNS)" and the second occurrence of "FNS" for "Food and Nutrition Service", "that" for "which" following "serving meals" and "NJ SNAP program" for "Food Stamp Program".

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N.J.A.C. 10:87-7.13

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§ 10:87-7.13 (Reserved)

History

HISTORY:

As amended on an emergency basis, R.1981 d.398, effective September 30, 1981 (operative October 1, 1981), expired November 30, 1981.

See: 13 New Jersey Register 769(a). Readopted, R.1981 d.517, effective December 31, 1981.

See: 13 New Jersey Register 769(a), 14 New Jersey Register 103(a).

(a) "18" was "20" percent.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 New Jersey Register 2689(a), 21 New Jersey Register 511(b).

Substantially amended.

Repealed by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Section was "Deductible expenses".

HISTORICAL NOTE:

N.J.A.C. 10:87-7.14 through *7.18* were amended on an emergency basis by R.1981 d.398, effective September 30, 1981 (operative October 1, 1981), expired November 30, 1981. See: 13 New Jersey Register 769(a). The amendments were readopted by R.1981 d.517, effective December 31, 1981. See: 13 New Jersey Register 769(a), 14 New Jersey Register 103(a). The amendments repealed *N.J.A.C. 10:87-7.14* and *7.15* and recodified *N.J.A.C. 10:87-7.16*, *7.17* and *7.18* as 7.14, 7.15 and 7.16. In *N.J.A.C. 10:87-7.16*, which was recodified as 7.14, Paragraph (a)3 was amended by the deletion of "20" percent and substitution of "18" percent therefor.

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§ 10:87-7.13 (Reserved)

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N.J.A.C. 10:87-7.14

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§ 10:87-7.14 (Reserved)

History

HISTORY:

Recodified to *N.J.A.C. 10:87-7.7(a)*-(d) by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Section was "Treatment of income and resources of certain nonhousehold members".

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N.J.A.C. 10:87-7.15

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§ 10:87-7.15 (Reserved)

History

HISTORY:

Recodified to *N.J.A.C. 10:87-7.7(e)*-(f) by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Section was "Treatment of income and resources of other nonhousehold members".

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N.J.A.C. 10:87-7.16

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§ 10:87-7.16 (Reserved)

History

HISTORY:

Amended by, R.1980 d.117, effective March 19, 1980.

See: 11 New Jersey Register 517(a), 12 New Jersey Register 194(b).

(a): In first sentence, deleted "s" in "Narcotics", deleted "FNS-authorized" after "participate in".

(e): Added requirement to return untransacted ATP cards.

Amended by, R.1982 d.473, effective January 3, 1983.

See: 14 New Jersey Register 1037(a), 15 New Jersey Register 34(a).

Substantial amendment regarding group living arrangements.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 New Jersey Register 2689(a), 21 New Jersey Register 511(b).

Substantially amended.

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 New Jersey Register 139(a), 22 New Jersey Register 1599(a).

Deleted (i): "disqualified treatment or group living arrangement facility" regarding food stamp eligibility.

Repealed by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Section was "Residents of drug/alcoholic treatment and rehabilitation programs and group living arrangements".

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§ 10:87-7.16 (Reserved)

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N.J.A.C. 10:87-7.17

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§ 10:87-7.17 (Reserved)

History

HISTORY:

As amended, R.1981 d.97, effective April 9, 1981.

See: 13 New Jersey Register 96(c), 13 New Jersey Register 228(a).

(a): "Students" was "tax dependents", "*N.J.A.C. 10:87-2.3(a)*5" was "3.22".

R.1982 d.474, effective January 3, 1983.

See: 14 New Jersey Register 1081(b), 15 New Jersey Register 35(a).

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 New Jersey Register 2689(a), 21 New Jersey Register 511(b).

Repealed by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Section was "Residents of shelters for battered women and their children".

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§ 10:87-7.18 (Reserved)

History

HISTORY:

Recodified to *N.J.A.C. 10:87-7.11* by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Section was "Deeming of income and resources of alien sponsors".

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N.J.A.C. 10:87-7.19

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§ 10:87-7.19 (Reserved)

History

HISTORY:

Recodified to *N.J.A.C. 10:87-7.12* by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Section was "Homeless Food Stamp households and homeless meal providers".

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N.J.A.C. 10:87-7.20

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§ 10:87-7.20 (Reserved)

History

HISTORY:

New Rule, R.1998 d.498, effective October 5, 1998.

See: *30 New Jersey Register 1928(a)*, *30 New Jersey Register 3669(b)*.

Repealed by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Section was "Day care providers".

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N.J.A.C. 10:87-8.1

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§ 10:87-8.1 General provisions

(a) The conduct of fair hearings shall be governed by the Uniform Administrative Procedure Rules contained in *N.J.A.C. 1:1* and Public Welfare Hearings contained in *N.J.A.C. 1:10*. If any rule in this subchapter is inconsistent with those rules, *N.J.A.C. 1:1* and 1:10 shall take precedence.

(b) Any household which is dissatisfied with any CSSA action or inaction, affecting the household's participation in the Program shall be advised of its fair hearing rights and be given an opportunity to receive a fair hearing. The household shall also be advised of available legal services.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Added (a), made existing text (b).

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N.J.A.C. 10:87-8.2

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§ 10:87-8.2 CSSA responsibility to provide fair hearing information

The CSSA shall make Form NJ SNAP-196, "Fair Hearings in the NJ SNAP program", available to any interested party upon request.

History

HISTORY:

Amended by R.1985 d.180, effective April 15, 1985 (operative May 1, 1985).

See: 17 N.J.R. 167(a), 17 N.J.R. 969(a).

Old text deleted and new text substituted.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-8.2A

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§ 10:87-8.2A Fair hearing based on Federal changes

Fair hearings will be denied those households which are merely disputing the fact that a federally mandated reduction, suspension, or cancellation was ordered. However, if the request for a fair hearing is based on a household's belief that its benefit level was computed incorrectly or that regulations were misapplied or misinterpreted, the household shall be given an opportunity to receive a fair hearing (see *N.J.A.C. 10:87-8.9(b)*). Since the reduction, suspension or cancellation would be necessary to avoid an expenditure of funds beyond those appropriated by Congress, households do not have a right to a continuation of benefits pending the fair hearing. The household may receive retroactive benefits in an appropriate amount if it is determined that its benefits were reduced by more than the amount by which the CSSA was directed to reduce benefits. CSSAs will only refer those requests which qualify for a fair hearing to the Bureau of Administrative Review and Appeals (BARA).

History

HISTORY:

R.1984 d.64, effective February 26, 1981.

See: 13 N.J.R. 226(b).

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

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N.J.A.C. 10:87-8.3

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§ 10:87-8.3 Request for fair hearing

Any clear expression, oral or written, by the household or its representative to the effect that it wishes to appeal an action of the CSSA or which indicates a desire to present the case to a higher authority shall be construed as a request for a fair hearing.

History

HISTORY:

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Substituted "an action of the CWA" for "a decision" following "wishes to appeal".

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N.J.A.C. 10:87-8.4

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 87. NEW JERSEY SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (NJ SNAP) MANUAL > SUBCHAPTER 8. FAIR HEARINGS

§ 10:87-8.4 Right to request a fair hearing

(a) The right to request a fair hearing shall not be limited or interfered with in any way.

1. Informal efforts to resolve a dispute may be made through field contacts, office interviews with supervisory personnel, consultation with the State DFD Field Representative, etc. In no event, however, shall such informal efforts be considered prerequisite to a fair hearing, nor shall they delay, replace, interfere with or otherwise impede the processing of a fair hearing which has been requested by the household.

2. The CSSA shall offer agency conference to households which wish to contest a denial of expedited service under the procedures at *N.J.A.C. 10:87-2.28* through *2.31*. The CSSA shall advise households that use of an agency conference is optional and that it shall in no way delay or replace the fair hearing process.

i. The agency conference may be attended by the eligibility worker responsible for the agency action, and shall be attended by an eligibility supervisor (other than the supervisor of the eligibility worker responsible for the action) and/or the agency director, and by the household and/or its representative.

ii. An agency conference for households contesting a denial of expedited service shall be scheduled within two working days of the date the household contests the action of the CSSA, unless the household requests that it be scheduled later or states that it does not wish to have an agency conference.

iii. An agency conference may lead to an informal resolution of the dispute. However, a fair hearing must still be held unless the household makes a written withdrawal of its request for a hearing.

(b) CSSAs shall conduct pre-hearing settlement conferences concerning NJ SNAP program appeals, except for IPV issues, in accordance with the following procedures:

1. The CSSA shall contact the appellant to schedule a Pre-Hearing Settlement Conference (PHSC) within five working days as soon as the CSSA receives and forwards the fair hearing request to the Division of Family Development (DFD). If the Fair Hearing request is made directly to DFD, the CSSA will initiate the procedure upon notification of the request by DFD but not later than one day from receipt of the request.

2. The CSSA Fair Hearing Liaison shall preside over the pre-hearing settlement conference and act as a mediator between the appellant and other appropriate CSSA staff.

3. The CSSA shall report the disposition of each NJ SNAP hearing request to the Division of Family Development, Bureau of Administrative Review and Appeals (BARA), with an information copy to the Office of Administrative Law within three working days. The report shall contain at a minimum, but not be limited to, the following information:

i. The contested issues;

ii. The scheduled time, date and location of a pre-hearing settlement conference;

iii. The verbal or written acceptance or declination by the appellant to attend a pre-hearing settlement conference;

iv. Whether or not a settlement was reached; and

v. Terms of the settlement or basis for the appellant's decision to withdraw. The report must be co-signed by the appellant and the mediator or other CSSA official.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Added (b).

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (a), substituted "resolve a dispute" for "effect an adjustment" in 1 and amended the N.J.A.C. references in the introductory paragraph of 2; in (b), substituted references to the Division of Family Development (DFD) for references to the Division of Economic Assistance (DEA) in 1 and 3; deleted the introductory phrases throughout.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-8.5

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§ 10:87-8.5 Time period for request of a hearing

A household may request a hearing on any action by the CSSA or loss of benefits which occurred in the prior 90 days. Action by the CSSA shall include a denial of a request for restoration of any benefits lost more than 90 days but less than a year prior to the request. In addition, at any time within a certification period, a household may request a fair hearing to dispute its current level of benefits. If a hearing request is not made within the period provided by the notice of adverse action, benefits shall be reduced or terminated as provided in the notice. However, if the household establishes that its failure to make the request within the advance notice period was for good cause, the CSSA shall reinstate the benefits to the prior basis. When benefits are reduced or terminated due to a mass change, participation on the prior basis shall be reinstated only if the issue being contested is that NJ SNAP eligibility or benefits were improperly computed or that Federal law or regulation is being misapplied or misinterpreted by the CSSA.

History

HISTORY:

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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§ 10:87-8.6 Processing fair hearing requests

(a) To assure orderly and expeditious processing of complaints and fair hearing requests, the CSSA and Division of Family Development (DFD) shall proceed in the following manner:

1. The CSSA shall designate a staff member to act as a fair hearing liaison between itself and the DFD. Upon receipt of a request for a fair hearing, and no later than one working day following receipt of the request, the liaison shall notify the DFD of the request, the issues to be resolved, and such other information as may be necessary to process the case.

2. The CSSA liaison's duties shall include, but not be limited to, the following:

i. The liaison shall establish a system to insure that every written request for a hearing which is received by the CSSA is stamped with the date of receipt and forwarded to the Division of Family Development within one working day of the date of the request.

ii. The liaison shall review incoming requests for possible corrective action prior to a hearing.

iii. The liaison shall identify, and arrange for participation of CSSA staff who may be essential to the hearing. The liaison shall also assemble all records relevant to the hearing and arrange for an interpreter if the household does not speak English.

iv. The liaison shall contact the household or its representative, not less than two working days prior to a hearing, to confirm attendance and to arrange for the transportation of the household if necessary.

v. Prior to the hearing date, the liaison shall submit special reports regarding hearing requests, if so instructed by the DFD.

vi. The liaison shall submit reports, regarding the implementation of State fair hearing decisions, in accordance with the provisions of this subchapter.

vii. The liaison shall serve as the single individual in the CSSA to be contacted regarding matters relating to hearings.

3. The CSSA shall provide the following services to the household:

i. An oral request for a fair hearing shall be reduced to a written record by the staff person to whom the request is made. No special form or manner of expression is required, provided that the request identifies the nature and date of the complaint. If it is unclear from the household's request what action it wishes to appeal, the CSSA may request that the household clarify its grievance.

ii. Upon the household's request, the CSSA shall assist in the preparation of the household's fair hearing request.

iii. The household shall be informed of, and referred to, legal services in the community for the purpose of obtaining legal counsel at the hearing.

iv. Upon request, the CSSA shall make available without charge the specific materials necessary for a household or its representative to determine whether a hearing should be requested or to prepare for a hearing which includes, but is not limited to, access to the case record.

v. If the individual making the request speaks a language other than English or has a limited English proficiency or disability and the CSSA is required by N.J.A.C. 10:87-9 to provide bilingual staff or interpreters who speak the appropriate language, the CSSA shall insure that the hearing procedures are verbally explained in that language.

vi. The CSSA shall provide the household transportation to and from the hearing, if requested.

4. To the maximum extent possible, a hearing shall be scheduled no later than seven working days after receipt of notification by the CSSA of the household's request and held no later than 21 days after the date of the household's request.

i. The household may request and is entitled to receive a postponement of the scheduled hearing. The postponement shall not exceed 30 days and the time limit for action on the decision may be extended for as many days as the hearing is postponed. For example, if a hearing is postponed by the household for 10 days, notification of the hearing decision will be required within 70 days from the date of the request for a hearing.

5. Hearings will be scheduled by the Office of Administrative Law (OAL). State level fair hearings will be conducted by an administrative law judge assigned by the Director of the Office of Administrative Law.

6. The Division of Family Development (DFD) and OAL will share responsibilities as follows:

i. The DFD shall register each request for a fair hearing on the date which the request is received and forward all requests to OAL within one work day of date received. OAL shall refer all requests made direct to OAL to DFD for registering.

ii. When received by the DFD, requests shall be transmitted by datafax or telephone to the CSSA.

iii. Together with notice of the hearing date, the household will be promptly notified by OAL whether or not the household is to continue to receive benefits at

an unreduced level pending the outcome of the fair hearing. A copy of this communication will be sent to the DFD and to the CSSA.

7. A request for a fair hearing shall not be denied or dismissed except under the following circumstances:

i. The request for a hearing is not received within the time interval specified at *N.J.A.C. 10:87-8.5*.

ii. The household withdraws the fair hearing request for any reason. When a household that previously requested a NJ SNAP fair hearing contacts the CSSA (either orally, electronically or in writing) in order to withdraw its hearing request, the CSSA shall send a Cancellation of Your NJ SNAP Fair Hearing Request form (NJ SNAP-944), along with a self-addressed stamped envelope, to the household which confirms that the household has requested cancellation of its hearing. The form shall also advise the household and/or household representative that it is entitled to request reinstatement of its hearing request within 90 days of the date that the household's NJ SNAP case was to be affected by the proposed case action. A copy of the confirmation letter to the household shall be retained in the household's case record and another copy shall be forwarded to the State Bureau of Administrative Review and Appeals. If the confirmation portion of the Confirmation of Verbal Withdrawal Request form (NJ SNAP-944) is not returned to the agency, then the hearing shall continue.

iii. The household abandons its request for a fair hearing.

(1) A request for a hearing shall be considered abandoned if neither the household nor its representative appears at the time and place established for the hearing, unless the DFD or CSSA received notice not later than the scheduled date of hearing that the household would be unable to attend for reasonable good cause; in such case, the hearing shall be adjourned and rescheduled. (Good cause is defined at *N.J.A.C. 10:87-10.18*.) No hearing shall be delayed for a period of more than 30 calendar days under any circumstances, except as provided at (a)7iii(2) below.

(2) If the household or its representative, fails to appear for a scheduled hearing without having given proper notice, a notice of assumption of abandonment shall be sent to the household. If there is no answer within 10 calendar days, the hearing shall be deemed abandoned. The household shall have the right to present in writing or electronically to the DFD directly or through the CSSA, such facts or reasons for the failure to appear. The DFD may determine whether or not the facts so presented by the household or its representative, constitute reasonable good cause, as defined at *N.J.A.C. 10:87-10.18* to warrant reinstatement of the hearing.

8. Scheduling of hearing requests from households, such as migrant farm workers, which plan to move from the county before the hearing decision would normally be reached shall be expedited.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substituted "calendar" for "working" and "expedited" for "expected".

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (a)7, rewrote ii.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

In (a)7iii(1), updated the N.J.A.C. reference.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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§ 10:87-8.7 Participation during appeal

(a) If a household requests a fair hearing within 15 days of the mailing of an adverse action notice and the certification period has not expired, participation shall be continued consistent with the benefit level authorized immediately prior to the notice of adverse action unless the household specifically waives continuation of benefits. If the request for a fair hearing does not positively indicate that the household has waived continuation of benefits, the CSSA shall assume that continuation of benefits is desired and benefits shall be issued accordingly. If the CSSA action is upheld by the hearing decision, a claim against the household shall be established for all overissuances (see *N.J.A.C. 10:87-11.20*).

1. In the case of an EBT adjustment, as defined at *N.J.A.C. 10:88-3.9*, once an adverse action is upheld, the CSSA shall immediately debit the household's account for the total amount stated in its original notice. If there are no benefits or insufficient funds remaining in the household's account at the time the CSSA action is upheld, the CSSA shall only make the adjustment from the next month's benefits, regardless of whether this satisfies the full adjustment amount.

History

HISTORY:

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Codified section as (a), added a N.J.A.C. reference and added 1.

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§ 10:87-8.8 Delayed request

If a hearing request is not made within the period provided by the notice of adverse action, benefits shall be reduced or terminated as stated in the notice. However, if the household establishes that its failure to make the request within the adverse notice period was for good cause, the CSSA shall reinstate the benefits to the prior benefit level.

History

HISTORY:

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

At the end of the second sentence, substituted "benefit level" for "basis".

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§ 10:87-8.9 Reduction or termination due to mass change

(a) When benefits are reduced or terminated due to a mass change, participation at the prior benefit level shall be reinstated only if the issue being contested is that NJ SNAP eligibility or benefits were improperly computed or Federal law or regulation is being misapplied or misinterpreted by the DFD or the CSSA.

(b) When benefits are reduced, suspended, or cancelled due to a Federal order, participation at the prior benefit level, pending the fair hearing, shall be denied.

History

HISTORY:

As amended, R.1981 d.64, effective February 26, 1981.

See: 13 N.J.R. 226(b).

(b) added.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (a) and (b), substituted "at the prior benefit level" for "on the prior basis".

Administrative change.

See: *44 N.J.R. 1529(a)*.

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§ 10:87-8.10 Reduction or termination of benefits prior to a hearing decision

(a) Once continued or reinstated, benefits shall not be reduced or terminated prior to a final hearing decision, except as provided below:

1. The certification period expires. The household may reapply and may be determined eligible for a new certification period with a benefit amount as determined by the CSSA;

2. The hearing official makes a determination that the sole issue is one of Federal law or regulation and that the household's claim that the CSSA improperly computed the benefits or misinterpreted or misapplied such law or regulation policy is invalid;

3. A change affecting the household's eligibility or basis of issuance occurs while the hearing decision is pending and the household fails to request a hearing after the subsequent notice of adverse action; or

4. A mass change affecting the household's eligibility or basis of issuance occurs while the hearing is pending.

History

HISTORY:

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Deleted the introductory phrases throughout.

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§ 10:87-8.11 Prompt notice

The State Agency will promptly inform the household in writing if benefits are reduced or terminated pending the hearing decision.

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§ 10:87-8.12 Hearing procedures

The hearing shall be conducted pursuant to the Special Hearing Rules for Division of Family Development cases, N.J.A.C. 1:10, and the Uniform Administrative Procedure Rules, *N.J.A.C. 1:1*.

History

HISTORY:

Repeal and New Rule, R.1994 d.42, effective January 18, 1994.

See: 25 New Jersey Register 4697(b), 26 New Jersey Register 377(a).

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N.J.A.C. 10:87-8.13

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§ 10:87-8.13 Hearing official

The hearing officer shall be an administrative law judge assigned by the Office of Administrative Law. The hearing official shall not be a person who has been connected in any way with the county social service agency action or inaction which is currently under appeal.

History

HISTORY:

Recodified from *N.J.A.C. 10:87-8.14* by R.2004 d.181, effective May 17, 2004.

See: *35 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

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§ 10:87-8.14 Household rights

(a) The household shall have the following rights:

1. Prior to and at the time of the hearing, the household shall have the right to examine all documents and records which are to be used during the hearing.

2. The contents of the case record, including the application form and documents of verification used by the CSSA to establish the household's ineligibility or eligibility and allotment, shall be made available, provided that confidential information such as the names of individuals who have disclosed information about the household without its knowledge or the nature or status of pending criminal prosecutions is protected from release. Free copies of relevant portions of the case record shall be furnished if requested by the household or its representative.

3. Confidential information which is protected from release and other documents or records which the household will not otherwise have an opportunity to contest or challenge shall not be introduced at the hearing or affect the hearing official's decisions.

History

HISTORY:

Amended by R.1994 d.42, effective January 18, 1994.

See: 25 N.J.R. 4697(b), 26 N.J.R. 377(a).

Recodified from *N.J.A.C. 10:87-8.15* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Deleted introductory phrases throughout. Former *N.J.A.C. 10:87-8.14*, Hearing official, recodified to *N.J.A.C. 10:87-8.13*.

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§ 10:87-8.15 County social service agency rights at hearing

The CSSA shall appoint a representative to appear at the hearing who shall be a CSSA representative who is familiar with the case and issue(s) involved in the hearing.

History

HISTORY:

Recodified from *N.J.A.C. 10:87-8.16* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section. Former *N.J.A.C. 10:87-8.15*, Household rights, recodified to *N.J.A.C. 10:87-8.14*.

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§ 10:87-8.16 Decision on fair hearing

The fair hearing decision shall be effective on the date of final decision unless another effective date is designated in the final fair hearing decision.

History

HISTORY:

Amended by R.1994 d.42, effective January 18, 1994.

See: 25 New Jersey Register 4697(b), 26 New Jersey Register 377(a).

Recodified from *N.J.A.C. 10:87-8.20* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Deleted the introductory phrase. Former *N.J.A.C. 10:87-8.16*, County welfare agency rights at hearing, recodified to *N.J.A.C. 10:87-8.15*.

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§ 10:87-8.17 Retention of record

An official and complete record of each fair hearing will be maintained in the files of the Division of Family Development for at least three years after the date decision is rendered. The household or its representative may review, upon appointment, all or any part of the official and complete record of his/her fair hearing.

History

HISTORY:

Repealed by R.1994 d.42, effective January 18, 1994.

See: 25 New Jersey Register 4697(b), 26 New Jersey Register 377(a).

Section was "Subsequent medical reports".

Recodified from *N.J.A.C. 10:87-8.21* by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

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§ 10:87-8.18 Prospective or retroactive action

A decision requiring action by the CSSA may apply either prospectively with regard to future action by the CSSA or retroactively to the date an incorrect action was taken. If the decision results from mutual agreement of the parties at the hearing, it shall be so stated.

History

HISTORY:

Repealed by R.1994 d.42, effective January 18, 1994.

See: 25 N.J.R. 4697(b), 26 N.J.R. 377(a).

Section was "The fair hearing report and decision".

Recodified from *N.J.A.C. 10:87-8.22* by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

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§ 10:87-8.19 Corrective measures

The State Division of Family Development will take such steps as may be necessary to assure that the decision has been carried out. Corrective or remedial measures ordered by a hearing decision, unless otherwise directed in the decision, will be implemented by the local agency immediately upon receipt of the fair hearing decision (see also *N.J.A.C. 10:87-8.26(c)*).

History

HISTORY:

Recodified from *N.J.A.C. 10:87-8.24* by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

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§ 10:87-8.20 Final administrative action

Final administrative agency action on fair hearing decisions shall be implemented by the local agency within 60 days of the date of the hearing request. However, delay in the hearing process resulting from postponement of a scheduled hearing may extend the time period for local agency corrective action for as many days the hearing is postponed by the household, not to exceed 30 days.

History

HISTORY:

Recodified from *N.J.A.C. 10:87-8.25* by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Former *N.J.A.C. 10:87-8.20*, Decision on fair hearing, recodified to *N.J.A.C. 10:87-8.16*.

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N.J.A.C. 10:87-8.21

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§ 10:87-8.21 CSSA responsibilities; fair hearings

(a) When the hearing decision is that a household has been improperly denied program benefits or has been issued a lesser allotment than was due, lost benefits shall be provided in accordance with *N.J.A.C. 10:87-11.13*.

(b) When the hearing decision upholds the CSSA's action, a claim (when appropriate) shall be prepared against the household for any overissuance in accordance with *N.J.A.C. 10:87-11.20*.

(c) Decisions which result in an increase in household benefits shall be reflected in the benefit allotment within 10 days of the receipt of the hearing decision even if a supplementary benefit must be issued.

1. If however, the next normal issuance after receipt of the decision occurs within 60 days of a household's request for a hearing, the increase may be reflected in that issuance.

(d) Decisions which result in a decrease in household benefits shall be reflected in the next scheduled issuance following receipt of the hearing decision.

(e) A household may receive retroactive benefits in an appropriate amount if it is determined that its benefits were reduced by more than the federally authorized amount.

History

HISTORY:

As amended, R.1981 d.64, effective February 26, 1981.

See: 13 N.J.R. 226(b).

(e) added.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Recodified from N.J.A.C. 8:27-8.26 by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Deleted introductory phrases throughout; in (a) and (b), amended the N.J.A.C. references; in (c), substituted "benefit" for "ATP" in the introductory paragraph. Former N.J.A.C. 8:27-8.21, Retention of record, recodified to N.J.A.C. 8:27-8.17.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

In (c), substituted "benefit" for "coupon".

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N.J.A.C. 10:87-8.22

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§ 10:87-8.22 (Reserved)

History

HISTORY:

Recodified to *N.J.A.C. 10:87-8.18* by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Section was "Prospective or retroactive action".

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N.J.A.C. 10:87-8.23

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§ 10:87-8.23 (Reserved)

History

HISTORY:

Repealed by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Section was "Synopsis of decision".

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N.J.A.C. 10:87-8.24

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§ 10:87-8.24 (Reserved)

History

HISTORY:

Recodified to *N.J.A.C. 10:87-8.19* by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Section was "Corrective measures".

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N.J.A.C. 10:87-8.25

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§ 10:87-8.25 (Reserved)

History

HISTORY:

Recodified to *N.J.A.C. 10:87-8.20* by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Section was "Final administrative action".

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N.J.A.C. 10:87-8.26

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§ 10:87-8.26 (Reserved)

History

HISTORY:

As amended, R.1981 d.64, effective February 26, 1981.

See: 13 New Jersey Register 226(b).

(e) added.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 New Jersey Register 2689(a), 21 New Jersey Register 511(b).

Recodified to *N.J.A.C. 10:87-8.21* by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Section was "CWA responsibilities; fair hearings".

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§ 10:87-9.1 Recertification

(a) No household may participate beyond the expiration of the certification period assigned in accordance with *N.J.A.C. 10:87-6.20* without a determination of eligibility for a new period. Households shall apply for recertification and shall comply with interview and verification requirements.

(b) The CSSA shall provide households certified for one month or certified in the second month of a two-month certification period a notice of expiration (NOE) at the time of certification. The CSSA shall provide other households the NOE before the first day of the last month of the certification period, but not before the first day of the next-to-the-last month. Jointly-processed WFNJ households need not receive a separate NJ SNAP notice if they are recertified for NJ SNAP benefits at the same time as their WFNJ redetermination.

(c) The Notice of Expiration (NOE) shall contain the following:

1. The date the certification period expires;

2. The date by which a household must submit an application for recertification in order to receive uninterrupted benefits;

3. The consequences of failure to apply for recertification in a timely manner;

4. Notice of the right to receive an application form upon request and to have it accepted as long as it contains a signature and a legible name and address;

5. Information on alternative submission methods available to households which cannot come into the certification office or do not have an authorized representative and how to exercise these options;

6. The address of the office where the application must be filed;

7. The household's right to request a fair hearing if the recertification is denied or if the household objects to the benefit issuance;

8. Notice that any household consisting only of SSI applicants or recipients is entitled to apply for NJ SNAP recertification at an office of the Social Security Administration (SSA);

9. Notice that failure to attend an interview may result in delay or denial of benefits; and

10. Notice that the household is responsible for rescheduling a missed interview and for providing required verification information.

(d) To expedite the recertification process, CSSAs are encouraged to send a recertification application, an interview appointment letter and a notice of verification (NJ SNAP-33) required at *N.J.A.C. 10:87-2.22(d)*3 with the NOE. The CSSA may request that the household bring the application form to the interview or return the form by a specified date (not less than 15 days after receipt of the form).

(e) As part of the recertification process, the CSSA shall conduct a face-to-face interview with a member of each household. The face-to-face interview may be waived in accordance with *N.J.A.C. 10:87-2.18(e)*. The CSSA may waive the face-to-face interview for any household in which at least one member has earned or unearned income. The CSSA has the option of conducting a telephone interview or a home visit for those households for whom the office interview is waived. However, a household that requests a face-to-face interview must be granted one.

(f) If a household receives WFNJ and will be certified for NJ SNAP benefits more than once in a 12-month period, the CSSA may choose to conduct a face-to-face interview with that household only once during that period. The face-to-face interview shall be conducted at the same time that the household receives a face-to-face interview for WFNJ purposes. At any other recertification during that yearly period, the CSSA may interview the household by telephone, conduct a home visit or recertify the household by mail.

(g) The CSSA may schedule the interview prior to the application filing date, provided that the household's application is not denied at the time for failure to appear for the interview. The CSSA shall schedule the interview on or after the date the application was filed if the interview has not been previously scheduled, or the household has failed to appear for any interviews scheduled prior to this time and has requested another interview. CSSAs shall schedule interviews so that the household has at least 10 days after the interview in which to provide verification before the certification period expires.

(h) Information provided by the household shall be verified in accordance with *N.J.A.C. 10:87-2.19* and *2.20*. The CSSA shall provide the household a notice of required verification as provided at *N.J.A.C. 10:87-2.22(d)*3, and notify the household of the date by which the verification requirements must be satisfied. The household must be allowed a minimum of 10 calendar days to provide required verification information. Any household whose eligibility is not determined by the end of its current certification period due to the time period allowed for submitting any missing verification shall receive an opportunity to participate, if eligible, within five working days after the household submits the missing verification.

(i) Households reporting required changes in circumstances that are either certified for one month, or are certified in the second month of a two-month certification period, shall have 15 days from the date the NOE is received to file a timely application for recertification.

(j) Other households reporting required changes in circumstances that submit applications by the 15th day of the last month of the certification period shall be considered to have made a timely application for recertification.

(k) For households consisting only of SSI applications or recipients who apply for NJ SNAP recertification at SSA offices in accordance with *N.J.A.C. 10:87-2.33*, an application shall be considered filed for normal processing purposes when the signed application is received by the SSA.

History

HISTORY:

As amended, R.1981 d.64, effective February 26, 1981.

See: 13 N.J.R. 226(b).

"A Federally mandated . . . procedures" added.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Repealed old text and substituted new.

Repeal and New Rule, R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

Section was "Recertification".

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Amended N.J.A.C. references throughout; in (d), substituted "notice of" for "FSP-33 statement of needed" preceding "verification" and inserted "(FSP-33)" following "verification".

Amended by R.2009 d.94, effective March 16, 2009.

See: *40 N.J.R. 5932(a)*, *41 N.J.R. 1245(b)*.

In (e), deleted "also" preceding "waive" and inserted "in which at least one member has earned income and also for a household".

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

In (b), (c)8 and (k), substituted "NJ SNAP" for "food stamp"; in (b) and (f), substituted "NJ SNAP benefits" for "food stamps"; in (d), deleted a comma following "letter" and substituted "NJ SNAP" for "FSP"; in (e), substituted "any" for "a" following the first occurrence of "for", inserted "or unearned" and deleted "and also for a household that has no earned income if all of its members are elderly or disabled" following the first occurrence of "income"; and in (f), deleted a comma following "visit".

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§ 10:87-9.2 Recertification application processing

(a) Households that were certified for two months in the second month of the certification period and have met all required application procedures shall be notified of their eligibility or ineligibility. Eligible households shall be provided an opportunity to receive benefits no later than 30 calendar days after the date the household received its last allotment.

(b) Other households that have met all application requirements shall be notified of their eligibility or ineligibility by the end of their current certification period. In addition, the CSSA shall provide households that are determined eligible an opportunity to participate by the household's normal issuance cycle in the month following the end of its current certification period.

(c) Delays in recertification application processing shall be handled as follows:

1. Households which have submitted an application for recertification in a timely manner but, due to CSSA error, are not determined eligible in sufficient time to provide for issuance of benefits by the household's next normal issuance date shall receive an immediate opportunity to participate upon being determined eligible, and the allotment shall not be prorated.

2. If the household was unable to participate for the month following the expiration of the certification period because of CSSA error, the household is entitled to restored benefits.

3. If a household does not submit a new application by the end of the certification period, the CSSA shall close the case without further action.

4. Except for migrant or seasonal farm workers, if a recertification form is submitted after the end of the certification period, it shall be treated the same as an application for initial certification in accordance with *N.J.A.C. 10:87-6.2(b)*.

5. A household which submits an application by the filing deadline but neither appears for an interview scheduled after the application has been filed, nor submits verification within the required time frame, shall lose its right to uninterrupted benefits. The CSSA shall deny the household's recertification application at the end of the last month of the current certification period. The CSSA may, on a county-wide basis, either require households to submit new applications to continue benefits or reinstate the households without requiring new applications if the households have been

interviewed and have provided the required verification information within 30 days after the applications have been denied.

(d) A CSSA is required to apply the expedited service provisions of *N.J.A.C. 10:87-2.28* at recertification if the household applies for recertification and meets the criteria for expedited service.

History

HISTORY:

As amended, R.1984 d.17, effective February 6, 1984.

See: 15 N.J.R. 1821(a), 16 N.J.R. 246(a).

Language added concerning timely completion of redetermination.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Repeal and New Rule, R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

Section was "CWA action on timely application for recertification".

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote (c)4 and (d).

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§ 10:87-9.3 Notices of eligibility

(a) Every applicant household found eligible shall be provided with a written notice of eligibility as described in the following items as soon as a determination is made but no later than 30 days after the date of the initial application. The notice shall inform the household of the amount of the allotment. The household shall also be advised of variations in the benefit level based on changes anticipated (if any) at the time of certification. If the initial allotment contains benefits for both the month of application and the current month's benefits, the notice shall explain that the initial allotment includes more than one month's benefits, and shall indicate the allotment amount for the remainder of the certification period. The notice shall also inform the household of beginning and ending dates of the certification period.

(b) In cases where a household's application is approved on an expedited basis without verification, as provided at *N.J.A.C. 10:87-2.28* through *2.30* the notice shall explain that the household must provide the verification that was waived. The notice shall also explain the special conditions of the longer certification period, as discussed at *N.J.A.C. 10:87-2.30(a)*3 and the consequences of failure to provide the postponed verification.

(c) For those PA/NJ SNAP households assigned definite certification periods in accordance with *N.J.A.C. 10:87-6.23*, the notice shall state that the certification will expire the month following the month the household's WFNJ/TANF redetermination is due.

History

HISTORY:

As amended, R.1979 d.422, effective October 18, 1979.

See: 11 N.J.R. 379(a), 11 N.J.R. 559(d).

As amended, R.1984 d.17, effective February 6, 1984.

See: 15 N.J.R. 1821(a), 16 N.J.R. 246(a).

Indefinite changed to definite certification periods.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1999 d.6, effective January 4, 1999.

See: *30 N.J.R. 3451(a)*, *31 N.J.R. 69(a)*.

In (c), substituted a reference to WFNJ/TANF a for reference to AFDC.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (b) and (c), deleted the introductory phrases and amended N.J.A.C. references throughout.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

In (c), substituted "PA/FS" for "PA".

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-9.4

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§ 10:87-9.4 Recertification/denial notice

(a) The CSSA shall provide households that have filed an application by the 15th of the last month of their certification period with either a notice of eligibility or a notice of denial by the end of the current certification period. The CSSA shall provide households that have received a notice of expiration at the time of certification and have timely reapplied, with either a notice of eligibility or a notice of denial not later than 30 days after the date the household had an opportunity to obtain its last allotment.

(b) If an application is denied, the CSSA shall provide the household with written notice explaining the basis for the denial. This requirement shall be accomplished by use of the "Adverse Action Notice". The notice shall be sent as soon as possible, but not later than 30 days following the date the application was filed.

(c) If, by the 30th day, the CSSA cannot take any further action on the application due to the fault of the household, the household shall lose its entitlement to benefits for the month of application. The CSSA shall follow the procedures at *N.J.A.C. 10:87-2.27(e)*.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

This section originally consisted of three sections 9.4 "Recertification: notice" which is now (a); 9.5 "Notice of denial" which is now (b) and 9.6 "Notice of pending status" which is now (c).

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

Rewrote (c).

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (c), amended the N.J.A.C. reference.

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§ 10:87-9.5 Simplified reporting and change reporting

(a) Simplified reporting cases consist of earned income and unearned income households. The certification period is for 12 months with a six-month interim contact. For elderly (60 years of age or older) or disabled households with only unearned income, the certification period is for 24 months with a 12-month interim contact. WFNJ recipients with only unearned income are not eligible for simplified reporting. Additionally, those elderly or disabled households that exceed the 185 percent of the Federal Poverty Level, and are not required to meet a gross income test, cannot be included in simplified reporting no matter what earned or unearned income that household has. NPA households eligible for simplified reporting are households with any combination of earned and unearned income and households whose only income is unearned from sources, such as child support; Retirement, Survivors and Disability Insurance; Unemployment Insurance benefits and so forth.

1. When changes occur within the certification period, which affect a household's eligibility or benefit allotment, action shall be taken by the CSSA to adjust the household's eligibility when it is a reportable change, reported by the household and/or the CSSA becomes aware of the change. The only change that a household on simplified reporting is required to report during the certification period is when the total monthly household income exceeds 130 percent of the Federal Poverty Level, which is the maximum gross income eligibility limit for the NJ SNAP program.

i. Expanded categorical households are required to report changes in income over 185 percent of the Federal Poverty Level.

ii. ABAWDs are required to report whenever their weekly work hours fall below the 20 hours weekly average.

iii. Certified households are required to report changes within 10 days of the date the change becomes known to the household.

2. The household is required 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. If the household reports a non-reportable change, the CSSA is responsible to act on that change when it becomes known to the CSSA.

3. An Interim Reporting Form (IRF) WFNJ/NJ SNAP-4 is sent to the household at the six-month or 12-month interim contact depending on whether the certification period is for 12 months or 24 months.

i. The agency shall mail the IRF to the recipient in the fifth- or 11th-month of the certification period. The recipient will complete the IRF by providing corrections if needed or indicate that there are no changes and return the completed signed and dated IRF to the CSSA by the designated date. If the IRF is received completed but not dated by the recipient, the CSSA shall date the form on the date it was received. If no changes have occurred, the IRF shall be filed in the case record. If a change has occurred, the CSSA shall obtain the required verification. If the required verification is received timely, the case will continue the certification period until the 12th- or 24th-month. If the required verification is not received timely, the case shall go into suspension in the seventh- or the 13th-month. If the required verification is received during the suspension month, the case shall continue the 12- or 24-month certification. If either no contact is made or the verification is not received during the suspension month, the case will close. If the case closes, a new application shall be filed by the household in order to receive NJ SNAP benefits. Under all circumstances, a completed IRF must be in the case record. If the reported change makes the household ineligible the case shall be terminated.

(b) Change reporting households are those households not on simplified reporting. The certification period is for 12 months. These households are required to report changes within 10 days of the date the change becomes known to the household.

1. Change reporting households shall be required to report the following:

i. New employment within 10 days of the date that they receive their first pay;

ii. Changes in the source of unearned income or a change in the amount of unearned income of $ 50.00 or more and/or a change in the amount of earned income of more than $ 100.00. Changes in either the WFNJ/TANF grant or the WFNJ/GA grant where the CSSA is administering the WFNJ/GA program for the locality in which the recipient resides are not required to be reported;

iii. All changes in household composition, such as the addition or loss of a household member (see *N.J.A.C. 10:87-2.2* and *2.3*) and a child turning 18 years old;

iv. Changes in residence and the resulting change in shelter costs; and

v. Changes in the amount received as a result of a legal obligation including, but not limited to, changes such as termination of an obligation to pay child support.

2. A household is not required to report changes in the amount of child support it pays.

(c) The CSSA shall treat the submission of the report of change as a waiver of the household's right to a notice of an adverse action.

1. During the household's certification period, when a CSSA obtains information about changes in a household's circumstances but is unable to adjust the household's benefit without requesting written clarification, the Request for Contact (RFC) Letter shall be utilized. The RFC shall only be used when the CSSA already has information about the household that needs further clarification. If the CSSA does not have any information that requires further contact with the household, CSSAs are prohibited from contacting the household until the next recertification, unless it is to refer them to appropriate employment and training activities.

i. If the household responds to the RFC, the CSSA shall act on the new circumstances in accordance with (c)3 below.

ii. If the household does not respond to the RFC, or responds but fails to provide sufficient information to clarify its circumstances, the CSSA shall take appropriate action, that is, issue a notice of adverse action, closing the case. As an alternate action, the CSSA may choose to suspend the case for one month before closing it.

2. The appropriate change report form (NJ SNAP 922, 922A or 922B) and an Income Maintenance NJ SNAP Explanation sheet (NJ SNAP-933) shall be provided to newly certified households at the time of certification, at recertification if the household needs a new form; and a new form shall be sent to the household whenever a change report form is returned by the household. The CSSA shall provide a stamped self-addressed envelope with the form. Although households should be encouraged to complete and return the change form when a change is being reported, changes reported over the telephone or in person by the household shall be acted on in the same manner as those reported on the change report form.

3. The CSSA shall advise the household of its responsibilities to report changes within the required time period. The CSSA is required to take prompt action on all changes reported by the household to determine if the change affects the household's eligibility or allotment. Even if there is no change in allotment, the CSSA shall document the change in the case record, and for those households not on simplified reporting, provide another change report form (NJ SNAP-922) to the household. The CSSA shall notify any household of the receipt of the change report and effect of the change, if any, on its benefits. Restoration of lost benefits shall be provided to any household if the CSSA fails to take action on a change which increases benefits within the time limits specified below.

i. For changes which result in an increase in a household's benefits, other than changes described in ii below, the CSSA shall make the change effective not later than the first allotment following the 10th day after the date the change was reported to the CSSA. For example, a $ 30.00 decrease in income reported on the 15th day of May would increase the household's June allotment. If the same decrease were on May 28, and the household's normal issuance cycle was on June 1, the household's allotment would have to be increased by July.

ii. For changes which result in an increase in a household's benefits due to the addition of a new household member who is not a member of another certified household, or due to a decrease of $ 50.00 or more in the household's gross

monthly income, the CSSA shall make the changes effective no later than the first allotment issued 10 days after the date the change was reported. However, in no event shall these changes take effect any later than the month following the month in which the change is reported. Therefore, if the change is reported after the 20th of a month and it is too late for the CSSA to adjust the following month's allotment, the CSSA shall issue a supplementary benefit by the 10th day of the following month.

(1) When a household's circumstances change and it becomes entitled to a different income eligibility standard, the CSSA shall apply the different standard at the next recertification or whenever the CSSA changes the household's eligibility, benefit level, or certification period, whichever occurs first.

(2) Verification required by *N.J.A.C. 10:87-2.19* through *2.22*, must be obtained prior to the issuance of the second normal monthly allotment after the change is reported. If the household does not provide verification, the household's benefits will revert to the original benefit level. In cases where the CSSA has determined that a household has refused to cooperate, as defined at *N.J.A.C. 10:87-2.14* through *2.17*, the CSSA shall terminate the household's eligibility. If the CSSA increases a household's benefits to reflect a reported change but subsequent verification indicates that the household was entitled to fewer benefits, the CSSA shall establish a claim in accordance with *N.J.A.C. 10:87-11.20*.

iii. If the household's benefit level decreases or the household becomes ineligible as a result of the change, the CSSA shall issue a notice of adverse action within 10 days of the date the change was reported, unless one of the exemptions to the notice of adverse action in (g) and (h) below applies. The decrease in the benefit level shall be made effective no later than the allotment for the month following the month in which the notice of adverse action period has expired, provided a fair hearing and continuation of benefits have not been requested. The CSSA shall postpone obtaining verification required by *N.J.A.C. 10:87-2.19* through *2.22* until the case is next recertified.

4. Certain changes are initiated by the State or Federal government that may affect the entire caseload or significant portions of the caseload. These mass changes include annual adjustments to the net income eligibility standards and the shelter/dependent care deduction; adjustments to the maximum benefit allotment and standard deduction; seasonal adjustments to the utility standard; periodic cost-of-living adjustments to Social Security, SSI and other Federal benefits; Federally-mandated reductions, suspensions or cancellations of NJ SNAP benefits; periodic adjustments to WFNJ/TANF and other changes in the eligibility criteria based on legislative or regulatory actions.

(d) NJ SNAP program changes include Federal adjustments to eligibility standards, allotments and deductions; Federally mandated reductions, suspensions or cancellations of NJ SNAP benefits, and State adjustments to the utility standard. These adjustments shall go into effect for all households at a specific point in time. Adjustments to the maximum benefit allotment, shelter/dependent care deduction and the standard

deduction shall be effective for all issuances in October. Annual adjustment to the income eligibility standards shall be effective for all October issuances. Adverse action notices are not required for such changes. However, prior publicity of adjustments shall be made through news media, by placing posters in certification offices, issuance locations or sites frequented by certified households or by issuing general notices mailed to households.

(e) When the State makes an overall adjustment to WFNJ/TANF payments, corresponding adjustments in the household's NJ SNAP benefits shall be handled as a mass change. When the CSSA has at least 30 days advance knowledge of the amount of the WFNJ/TANF adjustment, the CSSA shall recompute NJ SNAP benefits to be effective in the same month as the WFNJ/TANF change. If the CSSA does not have sufficient notice, the NJ SNAP change shall be effective not later than the month following the month in which the WFNJ/TANF change was made.

1. A notice of adverse action is not required when a household's NJ SNAP benefits are reduced or terminated as a result of a mass change in the PA grant. However, the CSSA shall send individual notices to households to inform them of the change. If a household requests a fair hearing, benefits shall be continued at the former level only if the issue being appealed is that NJ SNAP eligibility or benefits were improperly computed.

(f) DFD shall administer mass changes to reflect COLAs in benefits and any other mass changes under RSDI, SSI, and other programs where COLA information is readily available and applicable to a majority of those program's beneficiaries. Households are not responsible for reporting these changes.

(g) Households shall be notified whenever their benefits are altered as a result of changes in the WFNJ/TANF benefits. If the WFNJ/TANF benefits are terminated but the household is still eligible for NJ SNAP benefits, members of the household shall be advised of NJ SNAP work registration requirements, if applicable, as their work requirement under Title IV of the Social Security Act exemption no longer applies.

(h) Whenever a change results in the reduction or termination of a household's WFNJ/TANF benefits within its NJ SNAP certification period, and the CSSA has sufficient information to determine how the change affects the household's NJ SNAP eligibility and benefit level, the CSSA shall:

1. Issue a single notice of adverse action for both the WFNJ/TANF and NJ SNAP actions. If the household requests a fair hearing within the period provided by the notice of adverse action, the household's NJ SNAP benefits shall be continued on the basis authorized immediately prior to sending the notice. If the fair hearing is requested for both programs' benefits, the hearing shall be conducted according to WFNJ/TANF procedures and timeliness standards. However, the household must reapply for NJ SNAP benefits if the NJ SNAP certification period expires before the fair hearing process is completed. If the household does not appeal, the change shall be made effective in accordance with the procedures specified in (c) above.

2. If the household's NJ SNAP benefits will be increased as a result of the reduction or termination of WFNJ/TANF benefits, the CSSA shall issue the PA notice of adverse action, but shall not take any action to increase the household's NJ SNAP benefits

until the household decides whether it will appeal the adverse action. If the household decides to appeal and its WFNJ/TANF benefits are continued, the household's NJ SNAP benefits shall continue on the previous basis. If the household does not appeal, the CSSA shall make the change effective in accordance with the procedures specified in (c) above, except that the time limits for the CSSA to act on changes that increase a household's benefits shall be calculated from the date the PA notice of adverse action period expires.

(i) Whenever a change results in the termination of a household's WFNJ/TANF benefits within its NJ SNAP certification period, and the CSSA does not have sufficient information to determine how the change affects the household's NJ SNAP eligibility and benefit level (such as when an absent parent returns to a household, rendering the household categorically ineligible for public assistance, and the CSSA does not have any information on the income of the new household member), the CSSA shall not terminate the household's NJ SNAP benefits but take the following action:

1. Where a PA notice of adverse action has been sent, the CSSA shall wait until the household's notice of adverse action period expires or until the household requests a fair hearing, whichever occurs first. If the household requests a fair hearing and its WFNJ/TANF benefits are continued pending the appeal, the household's NJ SNAP benefits shall be continued on the same basis.

2. If a PA notice of adverse action is not required, or the household decides not to request a fair hearing and continuation of its WFNJ/TANF benefits, the CSSA shall send the household an RFC in accordance with (c)1 above.

(j) Prior to any action to reduce or terminate a household's benefits within the certification period, the CSSA shall provide the household timely and adequate advance notice before the adverse action is taken.

1. The notice of adverse action will be considered timely provided it is mailed at least 10 days prior to the date upon which the action becomes effective.

(k) Individual notices of adverse action are not required when:

1. The State initiates a mass change as described in (d) and (e) above;

2. The CSSA determines, based on reliable information, that all members of a household have died;

3. The CSSA determines, based on reliable information, that the household had moved from the county;

4. The household has been receiving an increased allotment to restore lost benefits, the restoration is complete, and the household was previously notified in writing of the date increased allotment would terminate;

5. The household's allotment varies from month to month within the certification period to take into account changes which were anticipated at the time of certification, and the household was so notified at the time of certification;

6. A household member is disqualified for intentional program violation in accordance with N.J.A.C. 10:87-11 or the benefits of the remaining household members are

reduced or terminated to reflect the disqualification of that household member, provided that the CSSA had previously instructed the household of its fair hearing rights, the date that allotment reduction would become effective, and the allotment which the household would receive after allotment reduction had begun. The notice requirements for individuals or households affected by intentional program violation disqualifications are explained at *N.J.A.C. 10:87-7.7(d)*1 and 11;

7. The household jointly applied for WFNJ/TANF and NJ SNAP benefits and has been receiving NJ SNAP benefits pending the approval of the WFNJ/TANF grant and was notified at the time of certification that NJ SNAP benefits would be reduced upon approval of the WFNJ/TANF grant;

8. The household has received an increased allotment pending verification of a reported change. If the household does not provide verification prior to the next issuance of its NJ SNAP allotment, the household's allotment will revert to the original allotment;

9. The individual is a resident of a substance abuse treatment center or group living arrangement, which lost its certification from the appropriate State agency;

10. The household's NJ SNAP allotment is reduced to repay a claim as a result of failure to make agreed upon installment payments in cash and/or NJ SNAP benefits (see *N.J.A.C. 10:87-11.20(h)*5i through iv);

11. The household voluntarily requests in writing, or in the presence of a caseworker that its participation in the NJ SNAP program be terminated. The CSSA shall respond to all non-written requests by sending the household a letter confirming the voluntary withdrawal. Households provided written confirmation of voluntary withdrawal from the NJ SNAP program may request a fair hearing;

12. The CSSA determines, based on reliable information that the household is departing from the county of current residence prior to the next issuance and therefore, will not be able to obtain and negotiate its next allotment. While the CSSA may inform the household before its next issuance date, they shall not delay terminating the household's participation in order to provide advance notice; or

13. The CSSA initiates recoupment of a claim against a household which has previously received a notice of adverse action with respect to such claim.

(l) When the household's address is unknown, and mail directed to that address has been returned by the post office indicating no known forwarding address, the CSSA shall close the case. However, if mail returned indicates a forwarding address, the CSSA shall send an RFC in accordance with (c)1 above.

History

HISTORY:

Amended by R.1979 d.459, effective January 1, 1980.

See: 12 N.J.R. 40(c).

(a)1i: Added (6).

Amended by R.1980 d.117, effective March 19, 1980.

See: 11 N.J.R. 517(a), 12 N.J.R. 194(b).

(a)2ii: In third sentence, added "receipt of the change report and the"; added subparagraph (1) and renumbered (1)-(2) as (2)-(3).

(c): Added paragraph 8.

Amended by R.1981 d.64, effective January 26, 1981.

See: 13 N.J.R. 226(b).

Substantially amended.

Amended on an emergency basis, R.1981 d.398, eff. September 30, 1982 (oper. October 1, 1981), exp. November 30, 1981. See: 13 N.J.R. 769(a).

Readopted, R.1981 d.517, eff. December 31, 1981.

See: 13 N.J.R. 769(a), 14 N.J.R. 103(a).

(a)2ii 2(B) added and existing (B) renumbered as (C).

Amended by R.1982 d.473, effective January 3, 1983.

See: 14 N.J.R. 1037(a), 15 N.J.R. 34(a).

Treatment of disqualified facilities enumerated.

Amended by R.1983 d.223, effective May 31, 1983.

See: 15 N.J.R. 629(a), 15 N.J.R. 1033(a).

Originally adopted as an Emergency Rule, R.1983 d.116, eff. March 31, 1983, operative April 1, 1983. The amendment is pursuant to the Food Stamp Act Amendment of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

"Fraud" replaced by "intentional program violation"; reduction of benefit due to household failure to repay.

Amended by R.1985 d.346, effective July 1, 1985.

See: 17 N.J.R. 883(a), 17 N.J.R. 1659(a).

"CWA" substituted for "State agency". (a)11 added.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended.

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

Stylistic revisions to text.

In (k)9: deleted language regarding FNS disqualification.

Amended by R.1991 d.247, effective May 6, 1991.

See: 23 N.J.R. 179(a), 23 N.J.R. 1412(b).

At (b)2: added new text regarding CWA's provision of telephone number for households.

At (c)2ii(3): added text regarding a supplementary ATP.

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

Rewrote (b); in (c)2ii, deleted a former (1), and recodified former (2) and (3) as (1) and (2); in (k), added ", provided that the CWA had previously instructed the household of its fair hearing rights, the date that allotment reduction would become effective, and the allotment which the household would receive after allotment reduction had begun" at the end of the first sentence of 6, and added 13; and added (*l*).

Amended by R.1999 d.6, effective January 4, 1999.

See: *30 N.J.R. 3451(a)*, *31 N.J.R. 69(a)*.

Substituted references to WFNJ/TANF for references to AFDC throughout; rewrote (f); and in (k), deleted a reference to (f) in the introductory paragraph.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

In (c), substituted "households" for "household", and inserted "in (b)"; in (c)4, inserted "mass" and substituted "Federally-" for "federally"; in (d), substituted "Food Stamp Program changes" for "These" and "Federally-" for "federally"; and in (k)9, substituted "The individual is a resident of a substance abuse treatment center" for "Residents of a treatment center".

Amended by R.2009 d.94, effective March 16, 2009.

See: *40 N.J.R. 5932(a)*, *41 N.J.R. 1245(b)*.

Rewrote the section.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

Section was "Changes". Rewrote the section.

Modified by Executive Order No. 103(2020), effective April 2, 2020.

See: *52 N.J.R. 978(b)*.

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N.J.A.C. 10:87-9.6

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§ 10:87-9.6 Identification (ID) cards

At its option, the CSSA may issue an ID card to each certified household as proof of program eligibility. The ID shall be issued in the name of the household member to whom the NJ SNAP benefits are issued.

History

HISTORY:

As amended, R.1980 d.117, effective March 19, 1980.

See: 11 N.J.R. 517(a), 12 N.J.R. 194(b).

(a): In last sentence, added "not".

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

This section 9.6 was originally "Notice of pending status" and the text was repealed.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-9.7

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§ 10:87-9.7 Families First Program cards

(a) The Families First Program is the mandatory method of distributing NJ SNAP program benefits to eligible households. Families First eliminates the need for the issuance of NJ SNAP ATP documents and NJ SNAP coupons by the CSSAs. Families First utilizes a technology called Electronic Benefits Transfer (EBT). In EBT, each payee is issued a magnetic-stripe plastic card which the payee uses to access his or her benefits. This card is called the Families First card.

(b) All provisions and standards applicable to the Families First Program can be found at *N.J.A.C. 10:88* (Families First Manual).

(c) The Families First card is not proof of Medicaid eligibility.

History

HISTORY:

Amended by R.1980 d.117, effective March 19, 1980.

See: 11 N.J.R. 517(a), 12 N.J.R. 194(b).

(c)1i: Changed "is currently certified" to "was properly issued the ATP".

Repealed and replaced, R.1982 d.474, effective January 3, 1983.

See: 14 N.J.R. 1081(b), 15 N.J.R. 35(a).

Limitations established on the issuance of replacement ATPs and coupons reported lost, stolen or destroyed.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended and recodified from 9.16. The original 9.7 was "Changes".

Repeal and New Rule, R.1989 d.464, effective September 5, 1989.

See: 21 N.J.R. 1636(a), 21 N.J.R. 2790(a).

Amended by R.1991 d.247, effective May 6, 1991.

See: 23 N.J.R. 179(a), 23 N.J.R. 1412(b).

In (b)1: changed from "19th" to "15th" of the month.

In (b)2i: added sentence regarding losses of combined issuances.

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (a)2, inserted "when the validity period of the household's ATP has expired and the household had an opportunity to negotiate the ATP," following "misfortune,"; and added (j).

Repeal and New Rule, R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Section was "Replacement of benefits".

Administrative change.

See: *44 N.J.R. 1529(a)*.

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§ 10:87-9.8 Replacement of benefits

(a) NJ SNAP benefits shall not be replaced once they are posted to a household's Families First account.

(b) Households shall not receive a replacement for any NJ SNAP benefits which were accessed using the client's Families First card and secret Personal Identification Number (PIN).

(c) CSSAs shall provide a replacement benefit to a household when the household reports that food purchased with NJ SNAP benefits was destroyed in a household misfortune.

(d) Rules on providing the replacement benefits cited in (c) above are as follows:

1. Replacement of food purchased with NJ SNAP benefits destroyed in a household misfortune shall be provided only if a household timely reports a loss orally or in writing to the CSSA. The report shall be considered timely if it is made to the CSSA within 10 calendar days of the date the food was destroyed.

2. Prior to replacing food purchased with NJ SNAP benefits, the CSSA shall determine that the destruction occurred in a household misfortune or disaster, such as, but not limited to, a fire or flood. This shall be verified through a collateral contact, documentation from a community agency including, but not limited to, the fire department or Red Cross, or a home visit.

3. Prior to issuing such a replacement benefit, the CSSA shall obtain from a member of the household a signed statement attesting to the household's loss. The required statement may be mailed to the CSSA if the household member is unable to come into the office because of age, handicap or distance from the office and is unable to appoint an authorized representative.

i. If the signed statement or affidavit is not received by the CSSA within 10 calendar days from the date of report, no replacement shall be made. If the 10th day falls on a weekend or holiday, and the statement is received the day after the weekend or holiday, the CSSA shall consider the statement timely received.

ii. The statement shall be retained in the case record and it shall attest to the household misfortune. The statement shall also state that the household is not eligible for this replacement benefit and must notify the CSSA if the food that was

destroyed has been, or is expected to be, recovered by the household through another means, such as a charity kitchen or food pantry. The statement shall further attest that the household is aware of the penalties for intentional misrepresentation of the facts including, but not limited to, a charge for perjury for a false claim.

4. A replacement benefit for food purchased with NJ SNAP benefits that was destroyed in a household misfortune shall be made available by the CSSA to the eligible household within 10 days after report of the loss or within two working days of receipt of the household's signed statement required in (d)3 above, whichever date is later.

i. The CSSA shall deny or delay such a replacement benefit in cases where available documentation indicates that the household's request for the food replacement benefit appears to be fraudulent.

(1) The household shall be informed of its right to a fair hearing to contest the denial or delay of a food replacement benefit. Replacements shall not be made while the denial or delay is being appealed.

5. No limit on the number of replacements shall be placed on the replacement of food purchased with NJ SNAP benefits which was destroyed in a household misfortune.

6. Replacement of NJ SNAP benefits shall be made available to the household in an amount not to exceed the value of the food purchased with NJ SNAP benefits that was destroyed (up to a maximum of one month's allotment, unless the issuance includes restored benefits which shall be replaced up to their full value).

7. Where FNS has issued a disaster declaration and the household is eligible for emergency NJ SNAP benefits, the household shall not receive both the disaster allotment and a replacement allotment for a misfortune.

(e) In the event of a major disaster declaration by the FNS, CSSAs in counties affected by the declaration are authorized to provide emergency NJ SNAP allotments. Those allotments are intended only for households that are participating in the NJ SNAP program at the time of the disaster, and shall replace a household's food which is lost due to the disaster. Such emergency allotments shall be equal to the estimated value of the food lost in the disaster, but shall not be greater than the applicable maximum benefit allotment for the household's size (see *N.J.A.C. 10:87-12.2*). Such households are not entitled to both a disaster emergency allotment and a replacement due to food lost in an individual household misfortune (see *N.J.A.C. 10:87-9.8(d)*7).

History

HISTORY:

New Rule, R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Former *N.J.A.C. 10:87-9.8*, Miscellaneous administrative procedures, recodified to *N.J.A.C. 10:87-9.11*.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-9.9

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§ 10:87-9.9 Credit adjustments to NJ SNAP benefit accounts

(a) NJ SNAP benefits shall be returned to a participant in the form of a credit to the household's Families First account if a retailer overcharges the payee. The payee should report such an instance immediately to the EBT Customer Service Hotline which is available 24 hours a day, seven days a week.

1. A credit adjustment transaction shall be provided only if a household timely reports such an overcharge to the EBT Customer Service Hotline within 90 days of the transaction date and research documents that an overcharge occurred.

2. If it has been determined that the household was overcharged by a food retailer, then the refunded benefit will appear as a credit in the amount that was overcharged.

3. If it has been determined that the household was not overcharged by the retailer, the participant shall be informed in writing and supporting documentation shall be provided as applicable.

(b) Additional information concerning adjustments to a household's NJ SNAP account can be found at *N.J.A.C. 10:88-3.8*.

History

HISTORY:

New Rule, R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Former *N.J.A.C. 10:87-9.9*, Case records, recodified to *N.J.A.C. 10:87-9.12*.

Administrative correction.

See: *40 N.J.R. 1663(a)*.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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§ 10:87-9.10 Replacement of lost/stolen Families First cards

Replacement of Families First cards shall be made available no later than two business days from the date that the replacement request is made to the CSSA. Since payees, as part of the card replacement procedure, shall visit the CSSA's Card Issuance Site (CIS) in order to select a new PIN, it is critical that payees be referred to the CIS in an expedited manner.

History

HISTORY:

New Rule, R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Former *N.J.A.C. 10:87-9.10*, Security and control of ATPs, recodified to *N.J.A.C. 10:87-9.13*.

Amended by R.2009 d.94, effective March 16, 2009.

See: *40 N.J.R. 5932(a)*, *41 N.J.R. 1245(b)*.

Substituted "replacement request is made" for "loss is reported".

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N.J.A.C. 10:87-9.11

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§ 10:87-9.11 Procedures for expungement of electronic NJ SNAP benefits

Unused NJ SNAP benefits will remain accessible to the household until they are expunged from the EBT account pursuant to *N.J.A.C. 10:88-4.2*.

History

HISTORY:

New Rule, R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

Former *N.J.A.C. 10:87-9.11*, Miscellaneous administrative procedures, recodified to *N.J.A.C. 10:87-9.12*.

Amended by R.2023 d.083, effective July 3, 2023.

See: *54 N.J.R. 2062(a)*, *55 N.J.R. 1335(a)*.

Section was "Procedures for recovery of electronic NJ SNAP benefits". Rewrote the section.

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N.J.A.C. 10:87-9.12

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§ 10:87-9.12 Miscellaneous administrative procedures

(a) The CSSA shall provide qualified employees as necessary to insure prompt and correct action on all applications. If necessary, staff shall be employed as required by DFD pursuant to FNS bilingual staffing requirements, as well as for serving those with limited English proficiency and/or disabilities. Only such qualified employees shall interview applicants and determine the household's eligibility or ineligibility and NJ SNAP benefit amount. Additionally, unless prior approval is obtained from DFD, certification offices with more than two eligibility workers shall schedule NJ SNAP certification services, so that there is no break in service during the lunch period. Furthermore, only authorized employees of the CSSA shall have access to Families First card stock or other issuance material and documents.

(b) A volunteer, or any other person not employed by the CSSA shall not conduct application interviews. However, such persons may participate in the following activities:

1. Volunteers may locate potential recipients (through prescreening workshops, etc.), provide them with application forms, provide transportation to the NJ SNAP Office, teach Nutritional Education (if requested) and generally promote the NJ SNAP program.

2. If requested to do so by the applicant, a volunteer may assist the household in completing relevant forms and in securing needed verification.

3. If a household is unable to apply for benefits in person, a volunteer may serve as an authorized representative for that household provided the volunteer has been designated as such by the head of household, spouse, or any other responsible member of the household.

(c) Customer service standards are as follows:

1. County agencies shall ensure that services are provided in a prompt and courteous manner to all customers, including those with limited English proficiency, as well as, those with disabilities;

2. County agencies shall provide interpreter services to those customers with limited English proficiency, as well as, to those with disabilities;

3. County agencies shall have a system in place to ensure that telephone calls are answered promptly and courteously, and routed to the proper person.

i. Phone etiquette shall include:

(1) Using appropriate salutation;

(2) Worker shall identify self;

(3) Callers shall be asked for their permission before being put on hold;

(4) Holds shall be activated with courtesy word or phrase;

(5) When ready, recall the caller to the conversation by speaking his or her name as a question; and

(6) Thank the caller for waiting.

ii. For agencies with a voicemail system, the agency shall ensure that:

(1) All messages are retrieved and responded to within one working day;

(2) Callers have an opportunity to speak to an agency employee instead of voicemail; and

(3) Voicemail shall include information on what to do in an emergency;

4. County agencies shall include customer service training as part of its new employee orientation when identified in the customer service surveys and as addressed in the corrective action plan. Such training shall include cultural diversity, civil rights requirements and conflict resolution;

5. County agencies shall implement a process to monitor customer waiting time and have established standard acceptable lengths of waiting time;

6. County agencies shall conduct customer service surveys;

7. County agencies shall have a system in place to analyze data from available sources to assess customer service;

8. County agencies shall have a customer service improvement plan;

9. County agencies shall have a system in place to monitor the implementation of the customer service improvement plan and assess the effectiveness of the plan;

10. County agencies shall provide NJ SNAP information flyers to all persons who express an interest in the NJ SNAP program;

11. County agencies shall ensure waiting rooms are clean and provide sufficient seating;

12. County agencies shall ensure access for private conversation with receptionist or other screening staff;

13. County agencies shall display "And Justice for All" posters;

14. County agencies shall display all required postings;

15. County agencies shall have in place a means for customers to drop off documents without a wait;

16. Customers shall have ready access to clean, safe and secure restrooms; and

17. All customer interviews shall be conducted in area(s) that ensure privacy with minimal interruptions.

(d) Persons or organizations who are parties to a strike or lock out, and their facilities may not be used in the certification process except as a source of verification for information supplied by the household.

(e) Each CSSA is responsible for the timely and accurate issuance of benefits to certified households. The Division of Family Development shall establish a standardized issuance and accountability system applicable to all counties, which will ensure compliance with NJ SNAP program procedures as follows:

1. That only certified households receive benefits;

2. All certified households have access to their benefits;

3. The benefits are timely distributed in correct amounts;

4. Families First cards are accepted and stored with adequate security after delivery to receiving points within the county; and

5. NJ SNAP benefit and reconciliation activities are conducted timely and accurately.

History

HISTORY:

Repealed, R.1984 d.17, effective February 6, 1984.

See: 15 N.J.R. 1821(a), 16 N.J.R. 246(a).

This section formerly contained the rules entitled "Rights of households in the new project area".

As amended on an emergency basis, R.1981 d.398, effective September 30, 1981 (operative October 1, 1981), expires November 30, 1981.

See: 13 N.J.R. 769(a). Recodified, R.1981 d.517, effective December 31, 1981.

See: 13 N.J.R. 769(a), 14 N.J.R. 103(a).

(b)1 "Information activities" was "outreach efforts".

As amended, R.1981 d.64, effective February 26, 1981.

See: 13 N.J.R. 226(b).

(d) added.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Substantially amended and recodified from 9.17. The original section 9.8 was "Reporting of illegal aliens". The following are amendments to that section:

As amended, R.1980 d.117, effective March 19, 1980.

See: 11 N.J.R. 517(a), 12 N.J.R. 194(b).

(a)4: Added "California".

As amended, R.1984 d.17, effective February 6, 1984.

See: 15 N.J.R. 1821(a), 16 N.J.R. 246(a).

This section formerly contained rules on the sixty day continuation of verification.

Recodified from *N.J.A.C. 10:87-9.8* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section. Former 10:87-9.11 was reserved.

Recodified from *N.J.A.C. 10:87-9.11* and amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

In (a) and (c)10, substituted "NJ SNAP" for "food stamp" throughout; in (a), inserted a comma following "requirements" and "services"; in (b)1, substituted "NJ SNAP" for "Food Stamp" and "NJ SNAP program" for "Food Stamp Program", and deleted a comma following "(if requested)"; in (c)1, (c)2, (c)3ii(3), (c)4 through (c)9 and (c)11 through (c)15, substituted a semicolon for a period at the end; in (c)10, substituted "NJ SNAP Program;" for "food stamp."; in (c)16, substituted "; and" for a period at the end; in the introductory paragraph of (e), substituted "NJ SNAP program" for "Food Stamp Program"; and in (e)5, substituted "NJ SNAP" for "Food stamp". Former *N.J.A.C. 10:87-9.12*, Case records, recodified to *N.J.A.C. 10:87-9.13*.

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End of Document

N.J.A.C. 10:87-9.13

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 87. NEW JERSEY SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (NJ SNAP) MANUAL > SUBCHAPTER 9. CERTIFICATION-RELATED PROCEDURES

§ 10:87-9.13 Case records

(a) The CSSA shall keep such records and other information as may be required by FNS and the DFD.

(b) Case records shall be available for review or audit by FNS and the Division of Family Development for a period of three years from the date of last activity of each record.

(c) The case record shall include applications for certification or recertification; worksheets used in the computation of income for eligibility and basis of issuance; documentation, including verification techniques employed by the certification worker; copies of forms sent to data processing authorizing or changing participation or basis of issuance; copies of notices of adverse action and other notices sent to the household and replies thereto; actions related to the fair hearing process; fiscal adjustments including claims, refunds, and credits; and any other data which affects a household's eligibility or basis of issuance.

History

HISTORY:

Repealed, R.1984 d.17, effective February 6, 1984.

See: 15 N.J.R. 1821(a), 16 N.J.R. 246(a).

This section formerly contained the rules entitled "Certification during participation under form FNS-286".

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

This section was recodified from 9.18. The original section 9.9 was reserved and the amendments to that section follow:

Repealed, R.1984 d.17, effective February 6, 1984.

See: 15 N.J.R. 1821(a), 16 N.J.R. 246(a).

This section formerly contained the rules entitled "Responsibilities of the former CWA".

Recodified from *N.J.A.C. 10:87-9.9* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (a), substituted "DFD" for "DPW"; in (b) and (c), deleted the introductory phrases and "for lost benefits" following "and credits" in (c).

Recodified from *N.J.A.C. 10:87-9.12* by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

Former *N.J.A.C. 10:87-9.13*, Security and control of Families First cards, recodified to *N.J.A.C. 10:87-9.14*.

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N.J.A.C. 10:87-9.14

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§ 10:87-9.14 Security and control of Families First cards

(a) The CSSA shall maintain a supply of blank Families First card stock, in quantity sufficient to meet the demands of initial issuance and replacement.

(b) Regarding the Master control of Families First card stock, when a shipment of blank Families First cards is received by the CSSA, the date of receipt and the Primary Account Number (PAN) of the first and the last card in the shipment shall be checked and recorded in accordance with Families First program card procedures. In addition, each distribution of a block of Families First cards to authorized CSSA personnel shall be checked and recorded in the same manner.

(c) All shipments of Families First cards shall be maintained in a secure area which must be locked appropriately. Such area shall be separate from the area in which card forms/logs or records are kept.

(d) Each employee responsible for a block of Families First cards shall maintain a separate log of the cards assigned to him or her.

1. Each subsequent receipt of a block of Families First cards shall be recorded on a separate form.

2. Families First cards shall be issued in numerical sequence within each block.

3. All returned Families First cards shall be handled in accordance with existing State security procedures for returned EBT cards.

(e) All supplies of blank Families First cards assigned to CSSA personnel shall be maintained in a secure area which can be locked in the absence of the employee. Under no circumstances shall any Families First cards be accessible to unauthorized persons.

(f) Completed control forms shall be retained for a period of three years. Such period shall originate with the most recent date of entry on the appropriate form.

History

HISTORY:

The following annotation applies to N.J.A.C. 10:87-9.14 prior to its recodification from N.J.A.C. 10:87-9.13 by R.2012 d.031:

Repealed, R.1984 d.17, effective February 6, 1984.

See: 15 N.J.R. 1821(a), 16 N.J.R. 246(a).

This section formerly contained the rules entitled "Security and control of FNS-286".

The following annotations apply to N.J.A.C. 10:87-9.14 subsequent to its recodification from N.J.A.C. 10:87-9.13 by R.2012 d.031:

Repealed, R.1984 d.17, effective February 6, 1984.

See: 15 N.J.R. 1821(a), 16 N.J.R. 246(a).

This section formerly contained the rules entitled "Households which move while covered by form FNS-286".

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

This section was recodified from 9.20. The original section 9.10 was reserved.

Repealed, R.1984 d.17, effective February 6, 1984.

See: 15 N.J.R. 1821(a), 16 N.J.R. 246(a).

This section formerly contained the rules entitled "Responsibilities of the new jurisdiction".

Recodified from *N.J.A.C. 10:87-9.10* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section. Former 10:87-9.13 was reserved.

Recodified from *N.J.A.C. 10:87-9.13* by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

Section was "Reserved".

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N.J.A.C. 10:87-10.1

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§ 10:87-10.1 Work registration

(a) The CSSA shall register for work each work-eligible household member not exempted by the provisions at *N.J.A.C. 10:87-10.2*, regardless of whether or not the geographic area where the member resides is participating in the NJ SNAP ETP. This may be accomplished through the completion of the work registration form or by annotating the case record. In addition, exempt NJ SNAP participants who voluntarily elect to participate in NJ SNAP ETP shall be work registered as a volunteer.

1. NJ SNAP ETP is a work experience, work training or job search program designed to help NJ SNAP recipients move promptly into unsubsidized employment. LWD (or agencies subcontracted by LWD) and the CSSAs are responsible for administering NJ SNAP ETP.

2. NJ SNAP ETP operates in accordance with the State's NJ SNAP ETP Plan, which is approved annually by its FNS Regional Office and is available for public inspection at DFD.

3. NJ SNAP ETP components to which participants will be referred may be limited by the availability of administrative funds.

(b) Upon reaching a determination that an applicant or a work-eligible household member of the applicant's household is required to register, the CSSA shall explain to the applicant the pertinent work requirements, the rights and responsibilities of work registered household members and the consequences of failure to comply.

1. The CSSA shall also provide, either by mail or in person, to each work registrant in the household, a written statement of the pertinent work requirements, rights and responsibilities of work registered household members and consequences of failure to comply. A notice shall also be provided when a previously exempt member or new work-eligible household member becomes subject to a work requirement, and at time of recertification.

(c) The CSSA shall permit the applicant or the household's authorized representative to complete a work registration form or record for each work-eligible household member required to register for work.

(d) Work-eligible household members are considered to have registered when an identifiable work registration form is submitted to the CSSA or when an electronic record of the work registration is created.

(e) Registration shall be accomplished through the execution of a work registration form or the completion of an electronic record. The certification worker shall review the registration form or record for completeness and accuracy. If a form has been used, a copy shall be retained in the case record, and the original forwarded to the appropriate NJ SNAP ETP office in accordance with DFD instructions. If the certification worker is aware that any registrant is exempt from work registration, including migrant or seasonal farm workers away from their usual place of residence, and following the work stream, it shall be reflected on the work registration form or record. The CSSA shall forward work registration forms to the LWD office, or have completed electronic work registration records available, not later than five days after the date of certification.

(f) Each nonexempt person shall be required to register at the time of application and at least once every 12 months thereafter. Registration shall be accomplished by the return of a completed work registration form to the CSSA, which shall retain a copy in the case record and forward the original to the appropriate LWD office, or by electronically updating the record, in accordance with (e) above.

(g) The CSSA shall be responsible for notifying the appropriate LWD office via an information report form of those work registrants who become exempt from the work registration requirements subsequent to registration, are no longer certified for participation in the program, or move from the area. Such notification shall be provided to the appropriate LWD office within a reasonable time period, but not to exceed 30 days from the date the change becomes known to the CSSA.

(h) In the event that LWD disagrees with the CSSA determination that the individual is required to register for work, LWD may request a reconsideration of the individual's nonexempt status. The CSSA must respond to the reconsideration request within 30 days and LWD must accept the response as final.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

This section was originally "General provisions"; the new text was recodified from 3.13(a).

Repealed by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

Section was "State Plan for Food Stamp Employment and Training Programs".

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

This original section was "Miscellaneous fiscal operational instructions" which was repealed. The new section was recodified from 3.17.

Amended by R.1993 d.62, effective February 1, 1993.

See: 24 N.J.R. 3207(b), 25 N.J.R. 584(a).

In (h): deleted deregistration if CWA fails to respond within 30 days.

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

Rewrote (a); in (c), substituted "work" for "employment in accordance with (a) above" at the end; in (e) through (h), substituted references to DOL for references to FSETP throughout; and in (e), substituted a reference to work registration for a reference to E&T requirements in the second sentence.

Recodified from *N.J.A.C. 10:87-10.6* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section. Former 10:87-10.1 was reserved.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

Substituted "LWD" for "DOL" throughout; and in (a)1, inserted "and Workforce Development".

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

In the introductory paragraph of (a) and of (b), and in (b)1 and (c), inserted "work eligible"; in the introductory paragraph of (a), inserted a comma following "10:87-10.2", substituted the first occurrence of "NJ SNAP ETP" for "Food Stamp Employment and Training Program (FSETP)", "NJ SNAP" for "food stamp" following "exempt" and the second occurrence of "NJ SNAP ETP" for "FSETP"; in (a)1, (a)2, (a)3 and (e), substituted "NJ SNAP ETP" for "FSETP" throughout; in (a)1, substituted "NJ SNAP" for "food stamp" following "help" and "LWD" for "The New Jersey Department of Labor and Workforce Development (LWD)"; in (a)2, inserted a comma following "Plan"; in the introductory paragraph of (b), deleted a comma following "members"; and in (d), substituted "Work-eligible household" for "Household".

Modified by Executive Order No. 103(2020), effective April 2, 2020.

See: *52 N.J.R. 978(b)*.

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§ 10:87-10.2 Exemptions from the work registration requirement

(a) Exemptions to the work registration requirement shall be determined when the household applies or reapplies for benefits, when there is a change in the employment status of any member of the household, and/or when the 12 month registration period is initiated or renewed. The applicant shall cooperate fully with regard to the establishment of his or her exemption from the work registration requirement. If an applicant fails to cooperate in the determination of his or her exempt status, the county social service agency shall complete a work registration.

(b) The following persons shall be exempt from the work registration requirement:

1. Program participants or applicants who are under 16 years of age or aged 60 years or over shall be exempt. If a child has its 16th birthday within a certification period, the child shall fulfill the work registration requirement as part of the next scheduled recertification process, unless the child qualifies for another exemption. A person age 16 or 17 who is not the head of household and who is attending school, or enrolled in an NJ SNAP ETP on at least a half-time basis, is exempt;

2. The following shall be exempt from work registration as essential persons:

i. One parent or other household member who has responsibility for the care of a dependent child under six years of age, or who cares for an incapacitated person, shall be exempt. If the child has its sixth birthday within a certification period, the individual responsible for the care of the child shall fulfill the work requirement as part of the next scheduled redetermination process, unless the individual qualifies for another exemption;

3. Persons enrolled at least half-time (as defined by the institution or program in which they are enrolled) in any school, training program or institution of higher education, which is recognized by any Federal, State or local government agency shall be exempt.

i. Once a student enrolls in an institution of higher education, such enrollment shall be deemed to continue through normal periods of class attendance, vacation and recess unless the student graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term, excluding summer school.

ii. Persons enrolled in correspondence courses, where physical attendance is not regularly required, shall not be considered students for the purposes of this subparagraph;

4. Adults who are physically or mentally unfit for employment shall be exempt. If a mental or physical disability is claimed and the disability is not evident, verification shall be required.

i. The following shall be considered evidence of incapacity:

(1) Current eligibility for SSI benefits for the blind or disabled, with the exception of "essential persons" (as defined by SSA);

(2) Current receipt of temporary or permanent disability benefits issued by governmental or private sources; and/or

(3) A statement from a physician or licensed or certified psychologist, which substantiates the applicant's claim of disability (the certification worker may obtain such medical verification in writing or by telephone). A statement from a chiropractor shall not considered as evidence of incapacity.

ii. The certification worker shall document all facts relevant to, and verification methods utilized, in the determination of incapacity;

5. Persons who are employed or self-employed at least 30 hours per week or receiving weekly earnings equal to the Federal minimum wage multiplied by 30 hours shall be exempt. This shall include migrant and seasonal farm workers who are under contract or similar written agreement with an employer or crew chief to begin employment within 30 days, although this shall not prevent individuals from seeking additional services from NJ SNAP ETP. "Working" is defined as work in exchange for money, or work in exchange for goods or services (in-kind work).

i. Persons engaged in hobbies or volunteer work or any other activity, which cannot, because of the minimal amount of monies received from such activity, be considered gainful employment, shall not be exempt from work registration, regardless of the amount of time spent in such activity;

6. A substance abuser who regularly participates, as a resident or nonresident, in a substance abuse treatment and rehabilitation program, which has been certified as such by the Department of Human Services, Division of Mental Health and Addiction Services, shall be exempt.

i. Prior to certification, the regular participation of a substance abuser in such a program shall be verified with the appropriate organization or center.

ii. An approved center shall be in possession of a letter from the Department of Human Services, Division of Mental Health and Addiction Services, verifying certification by that agency;

7. Persons subject to and in compliance with a WFNJ/TANF work or training activity are exempt from NJ SNAP work registration and participation in NJ SNAP ETP.

i. Persons failing to comply with a WFNJ/TANF requirement shall be disqualified in accordance with the provisions at *N.J.A.C. 10:87-10.16*. The CSSA shall provide a notice of adverse action within 10 days after learning of the noncompliance with the WFNJ/TANF requirement.

ii. If an individual who is disqualified for failure to comply with a WFNJ/TANF work requirement complies with the requirement in the middle of the disqualification, he or she may reapply for NJ SNAP benefits and, if otherwise eligible, resume participation.

iii. Households with a member who fails to comply with a WFNJ/TANF work or training requirement are subject to the provisions of the Riverside Rule (*N.J.A.C. 10:87-5.7(c)*);

8. Persons in receipt of unemployment compensation and persons who have applied for, but have not yet begun receiving unemployment compensation shall be exempt.

i. Persons failing to comply with an unemployment compensation requirement shall be disqualified in accordance with the provisions at *N.J.A.C. 10:87-10.16*. The CSSA shall provide a notice of adverse action within 10 days after learning of the noncompliance with the unemployment compensation requirement.

ii. If an individual who is disqualified for failure to comply with an unemployment compensation requirement complies with the requirement in the middle of the disqualification, he or she may reapply for NJ SNAP benefits and, if otherwise eligible, resume participation;

9. Household members who are entitled to joint processing shall be exempt from work registration until they are determined eligible for SSI and therefore exempt from work registration in accordance with (b)4 above. If ineligible for SSI and where applicable, a determination of such an individual's work registration status will then be made through recertification procedures; and

10. Pregnant women in their third trimester.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

This section was originally "Definitions of FSP terms"; the text was repealed and the new section was recodified from 3.13(b).

Amended by R.1990 d.565, effective November 19, 1990.

See: 22 N.J.R. 2219(a), 22 N.J.R. 3486(a).

Deleted requirements that the number of persons disqualified from the Food Stamp Program for failure to comply with an employment and training (E & T) requirement or the number of E & T participants who become employed be identified on the FNS-583 Report.

Repealed by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

Section was "State Plan requirements".

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

The original section was "document library" and was repealed. The new section was recodified from 3.18 (a)-(b).

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

In (b)7: clarified exemption for General Assistance and REACH work or training participants.

In (7): Deleted i. and ii. and added new text at 7 i-iv., clarifying GA and REACH recipients' exemption from food stamp work registration requirement.

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (b), deleted a former 4i(4), rewrote 7, and deleted a former 10.

Amended by R.1999 d.6, effective January 4, 1999.

See: *30 N.J.R. 3451(a)*, *31 N.J.R. 69(a)*.

In (b)8ii, substituted a reference to WFNJ/TANF for a reference to AFDC.

Recodified from *N.J.A.C. 10:87-10.7* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section. Former 10:87-10.2 was reserved.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

In (b)5, inserted last sentence; and added (b)10.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

Rewrote (b).

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N.J.A.C. 10:87-10.3

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 87. NEW JERSEY SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (NJ SNAP) MANUAL > SUBCHAPTER 10. FISCAL OPERATIONAL PROBLEMS

§ 10:87-10.3 Persons losing exempt status

(a) Persons losing exempt status due to any change in circumstance that is subject to the reporting requirements at *N.J.A.C. 10:87-9.5* shall register for employment when the change is reported according to the following procedures:

1. The CSSA shall be responsible for providing the participant with the work registration form or by electronically recording the change when it is reported and for providing the participant with the notification required by *N.J.A.C. 10:87-10.1(b)*1.

2. Participants required to complete a registration form in lieu of an electronic registration, shall be responsible for returning the work registration form to the CSSA within 10 calendar days from the date the work registration form was handed to the household member reporting the change in person, or the date the CSSA mailed the work registration form.

3. If the work-eligible household member(s) fails to allow work registration, the CSSA shall issue a notice of adverse action stating that the participant is being disqualified and why, but that the disqualification or termination can be avoided by the household member(s) registering for work.

(b) Persons who lose their exempt status due to a change in circumstances that is not subject to the reporting requirements at *N.J.A.C. 10:87-9.5* shall register for employment at the time of the household's next recertification.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

The original section was "program code description" and was repealed. The new section was recodified from 3.18 (c).

Recodified from *N.J.A.C. 10:87-10.8* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section. Former 10:87-10.3 was reserved.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

Rewrote (a)3.

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N.J.A.C. 10:87-10.4

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 57 No. 19, October 6, 2025

NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 87. NEW JERSEY SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (NJ SNAP) MANUAL > SUBCHAPTER 10. FISCAL OPERATIONAL PROBLEMS

§ 10:87-10.4 Work registrant requirements

(a) If a person is not exempt from employment and training requirements, the NJ SNAP EPT worker shall be responsible for screening (assessing) that person and, if appropriate, referring him or her to an NJ SNAP EPT component within 10 days of the initial assessment. Upon entry into each component, the registrant participant or volunteer shall be informed, either orally or in writing, of the requirements of the component, what will constitute noncompliance and the sanctions for noncompliance. The CSSA shall take appropriate disqualification action within 10 working days after learning of noncompliance.

1. An NJ SNAP EPT worker is an employee of the LWD or of the CSSA, or any of the designated agencies contracted with the CSSA or LWD, to provide NJ SNAP EPT services.

2. Assessment is defined as an in-depth evaluation of employability skills coupled with counseling on how and where to search for employment. If combined with work experience, employment search or training, an assessment of this nature could constitute part of an employment and training component.

(b) Work registrants shall:

1. Report, at the direction of the NJ SNAP EPT worker, to an assessment interview and/or to an NJ SNAP EPT component;

2. Participate in an employment and training program activity, if assigned;

3. Respond to a request from the NJ SNAP EPT worker for supplemental information regarding employment status or availability for work;

4. Report to an employer to whom referred by the NJ SNAP EPT worker if the potential employment meets the suitability requirements described at *N.J.A.C. 10:87-10.10*; and

5. Accept a bona fide offer of suitable employment at a wage not less than the higher of either the applicable State or Federal minimum wage.

(c) Employment and training programs are as follows:

1. Persons required to register for work and not exempted from placement in an NJ SNAP EPT component shall be subject to the employment and training requirements

for that individual. Such individuals are referred to as NJ SNAP EPT mandatory participants.

2. Employment and training programs may include, but are not limited to, approved:

i. Job search activity (see *N.J.A.C. 10:87-10.12* and *10.13*);

ii. Training activity (see *N.J.A.C. 10:87-10.14*);

iii. Employment activity;

iv. On-the-job training when approved under the Workforce Investment Act of 1998 (WIA);

v. Work experience; or

vi. Other activity that will lead to gainful employment.

3. Failure to comply without good cause with the employment and training requirements shall result in disqualification of the individual in accordance with the provisions at *N.J.A.C. 10:87-10.15*.

4. The number of months a participant spends in an NJ SNAP EPT component shall be determined by the NJ SNAP EPT worker. The NJ SNAP EPT worker shall also determine the number of successive components in which a participant may be placed.

i. The number of required hours in any work or training component, or combination of components, shall be an average of 30 hours of activity per week per participant per month, not to exceed 120 hours per month.

ii. The household's monthly total work experience component hours shall not exceed the household's monthly total of cash assistance, plus emergency assistance, plus the NJ SNAP benefit, divided by the higher of the State or Federal minimum wage.

iii. The total hours of participation in NJ SNAP EPT for any household member individually in any month, together with any hours worked for compensation in cash or in kind, shall not exceed 120 hours per month.

5. Participants in an employment and training program, including volunteers, shall receive a participant allowance provided through the CSSA for costs of transportation, or other costs that are reasonably necessary and directly related to participation in the employment and training programs at a rate of up to $ 6.00 per day, not to exceed $ 120.00 per month per participant. Reimbursement above $ 120.00 per month per participant may be issued on a case-by-case basis with the approval of DFD. Dependent care expenses shall not be reimbursed through this allowance, but shall be reimbursed in accordance with (c)6 below.

6. CSSAs shall reimburse NJ SNAP EPT participants for the cost of dependent care it determines to be necessary for the participation of a household member in an NJ SNAP EPT activity up to the actual cost of dependent care, or the applicable payment rate for child care, whichever is lowest. The payment rates for child care are established in accordance with the Child Care and Development Block Grant

provisions and are set forth by the New Jersey Department of Human Services (DHS) at *N.J.A.C. 10:15*. The CSSA shall provide a dependent care reimbursement to an NJ SNAP EPT participant for all dependents requiring care unless prohibited at *N.J.A.C. 10:15* or at (c)6i through ix below. The dependent care reimbursement is in addition to the transportation allowance described in (c)5 above. A recipient shall be deferred from NJ SNAP EPT participation if the household's dependent care expenses would exceed the DHS Maximum Reimbursement Rates. Deferment shall continue until either a suitable NJ SNAP EPT component is available, or the household's dependent care circumstances change, so that monthly dependent care expenses no longer exceed the DHS maximum reimbursement amount. Households receiving WFNJ/TANF benefits are not entitled to the dependent care reimbursement. When a child becomes 13 years of age, the dependent care reimbursement shall continue to be provided until the household's next recertification.

i. The CSSA shall not provide a reimbursement for a dependent age 13 or older unless the dependent is physically and/or mentally incapable of caring for him- or herself or is under court supervision. The CSSA shall provide a reimbursement for all dependents who are physically and/or mentally incapable of caring for themselves or who are under court supervision, regardless of age, if dependent care is necessary for the participation of a household member in an NJ SNAP EPT activity.

ii. The CSSA shall obtain verification of the physical and/or mental incapacity for dependents age 13 or older if the physical and/or mental incapacity is questionable. The CSSA shall verify a court-imposed requirement for the supervision of a dependent age 13 or older if the need for dependent care is questionable.

iii. If more than one household member is required to participate in an NJ SNAP EPT activity, the CSSA shall reimburse the actual cost of dependent care or the applicable payment rate for child care, whichever is lowest, for each dependent in the household, regardless of the number of household members participating in an NJ SNAP EPT activity.

iv. An individual who is the caretaker relative of a dependent in a family receiving cash assistance under Title IV-A of the Social Security Act in a local area where an employment, training, or educational program under Title IV-A is in operation, is not eligible for such reimbursement.

v. An NJ SNAP EPT participant is not entitled to the dependent care reimbursement if a member of the NJ SNAP EPT participant's NJ SNAP household provides the dependent care services.

vi. The CSSA shall verify the participant's need for dependent care and the cost of the dependent care prior to the issuance of the reimbursement. The verification shall include the name and address of the dependent care provider, the cost and hours of service (for example, five hours per day, five days per week for two weeks).

vii. A participant shall not be reimbursed for dependent care services beyond that which is required for participation in the NJ SNAP EPT activity.

viii. If dependent care is provided or arranged by the CSSA or a State contracted agency, the dependent care shall meet all applicable standards of State and local law, including requirements designed to ensure basic health and safety protections (for example, fire safety).

ix. An NJ SNAP EPT participant may refuse available appropriate dependent care as provided or arranged for by the CSSA or a State contracted agency, if the participant can arrange other dependent care or can show that such refusal will not prevent or interfere with participation in the NJ SNAP EPT activity as required.

7. Individuals may elect to voluntarily participate in available work and training programs.

i. The NJ SNAP EPT worker shall permit, to the extent practicable, persons exempt from work registration or employment and training requirements or those not exempt who have complied or are complying with the requirements, to participate in any employment and training program offered.

ii. Voluntary participants in an NJ SNAP EPT component shall not be disqualified for failure to comply with work and training requirements.

iii. The hours of participation or work of a volunteer may not exceed the hours required of NJ SNAP EPT mandatory participants as specified in (c)4 above.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

This section was recodified from 3.19 (a)-(c).

Amended by R.1991 d.247, effective May 6, 1991.

See: 23 N.J.R. 179(a), 23 N.J.R. 1412(b).

In (c)5: added text regarding dependent care expenses.

Deleted (c)5i, regarding the claiming as expenses of child care costs.

Added new (c)6 recodifying existing (c)6 as 7 with no change in text.

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

Substituted references to DOL for references to FSETP and references to ETP for references to the employment and training program throughout; in (b), rewrote 1; and in (c), rewrote 1, the introductory paragraph of 4 and 6.

Recodified from *N.J.A.C. 10:87-10.9* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

In the introductory paragraph of (a), inserted "of" preceding "the requirements"; and substituted "LWD" for "DOL" throughout.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

Rewrote the section.

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N.J.A.C. 10:87-10.5

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§ 10:87-10.5 Voluntary quit or reduction of work effort

(a) Any individual subject to the NJ SNAP work requirements who either voluntarily quits his or her job without good cause, or who voluntarily reduces his or her work to less than 30 hours per week or his or her wages to less than the equivalent of the Federal minimum wage multiplied by 30 hours, shall not be eligible for participation in the NJ SNAP program in accordance with the provisions at (c) below. Changes in employment status that result from involuntarily reducing hours of employment while working for the same employer, terminating a self-employment enterprise or resigning from a job at the demand of the employer shall not be considered as a reduction of work effort or a voluntary quit. If an individual quits a job, secures new employment at comparable wages or hours and is then laid off or, through no fault of his or her own, loses the new job, the earlier quit shall not be the basis of a disqualification. An employee of the Federal Government, or of a State or local government who participates in a strike against such government, and is dismissed from his or her job because of participation in the strike shall be considered to have voluntarily quit his or her job without good cause (see *N.J.A.C. 10:87-10.11* concerning strikers). The CSSA shall explain to the household at the time of application the potential consequences of household members quitting a job or reducing their wages or hours of work without good cause.

(b) When a household files an application for participation, or when a participating household reports the loss of a source of income or a reduction in household earnings, the CSSA shall determine if any household member voluntarily quit his or her job or reduced his or her work effort. The voluntary quit and reduction of work effort provisions apply if the employment involved 30 hours or more per week or provided weekly earnings at least equivalent to the Federal minimum wage multiplied by 30 hours; the quit or reduction occurred within 60 days prior to the date of application or anytime thereafter; and the quit was without good cause or the reduction of work was voluntary and without good cause. Benefits shall not be delayed beyond the application processing standards described at *N.J.A.C. 10:87-2.26* and *2.28* pending the outcome of the determination.

1. An individual working under contract who declines, without good cause, a contract renewal offer with terms comparable to those of the previous contract, and who has not secured new employment at comparable wages/hours, shall be considered to have voluntarily quit.

2. Neither military personnel who do not re-enlist, nor persons who are not offered employment contract renewal, shall be considered to have voluntarily quit.

3. An individual who reduces his or her work hours to less than 30 hours a week shall remain exempt from program work requirements and shall not be considered to have reduced his or her work effort if his or her weekly earnings exceed the Federal minimum wage times 30 hours.

(c) The CSSA shall take the appropriate action, as outlined in (c)1 through 4 below, upon a determination that a voluntarily quit or reduction in work effort occurred.

1. Upon a determination that a voluntarily quit or reduction in work effort has occurred, the CSSA shall determine if the violation was with good cause as defined at *N.J.A.C. 10:87-10.6*. If the violation was not for good cause, the household's application for participation shall be acted upon as follows:

i. If the individual who committed the violation is the only member of the household, then the household shall be denied NJ SNAP benefits for the duration of the disqualification period. The disqualification is effective upon the issuance of the notice of denial.

ii. If any member of the applicant household is found to have committed the violation, then only that individual shall be denied NJ SNAP benefits for the duration of the disqualification period (see (c)2vi below). The disqualification is effective upon the determination of eligibility for the remaining household members. The income, resources and allowable deductions of this ineligible household member shall be treated in accordance with *N.J.A.C. 10:87-7.7(b)*.

iii. An individual who has committed a voluntary quit or a reduction in work effort and has been denied NJ SNAP benefits cannot be designated as the head of household, as defined at *N.J.A.C. 10:87-2.6*, during the disqualification period.

2. If the CSSA determines that a recipient voluntarily quit his or her job or reduced his or her work effort while participating in the program, or discovers a quit or reduction which occurred within 60 days prior to application or between application and certification, the CSSA shall act upon the household's NJ SNAP case as follows:

i. If the individual who committed the violation is the only member of the household, then eligibility shall be terminated, and the individual shall be ineligible for the duration of the disqualification period (see (c)2vi below).

ii. If any member of the household is found to have committed the violation, then only that individual shall have his or her NJ SNAP eligibility terminated for the duration of the disqualification period (see (c)2vi below). The income, resources and allowable deductions of this ineligible household member shall be treated in accordance with *N.J.A.C. 10:87-7.7(b)*.

iii. If the individual who committed the voluntary quit or a reduction in work effort is the head of household, a new head of household shall be determined in accordance with the provisions at *N.J.A.C. 10:87-2.6*.

iv. The individual affected by the voluntary quit or work effort reduction disqualification shall be issued a notice of adverse action, which shall specify the period of disqualification, the particular act of noncompliance committed, the actions that may be taken to avoid the disqualification, the household's right to a fair hearing, and that the individual may reapply at the end of the disqualification period.

v. An individual has a right to a fair hearing to appeal a termination or denial of benefits due to a determination of voluntarily quit or work effort reduction without good cause. If the participating individual requests a fair hearing and the CSSA determination is upheld, the disqualification period shall begin the first of the month after the hearing decision is rendered.

vi. The disqualification penalties for voluntary quit or reduction of work effort are as follows:

(1) The first instance of a violation results in a disqualification of one month;

(2) The second instance of a violation results in a disqualification of three months;

(3) The third and subsequent instances of violations result in a disqualification of six months.

3. If a household is certified when a quit or reduction of work effort which occurred prior to certification is discovered, the household shall be regarded as a participating household and shall have the appropriate disqualification imposed.

4. If a work-eligible household member's voluntary quit or reduction of work effort either occurs or is discovered in the last month of the certification period, the individual shall be denied recertification for the length of the appropriate disqualification period, commencing with the first day of the month after the certification period expires. If the household does not reapply, the CSSA shall establish a claim against the household for those benefits received by the household member for the length of the appropriate disqualification period subsequent to the last day of the month of the quit. If benefits were received for less than the appropriate disqualification period subsequent to the last day of the month of the quit, a claim shall be established for benefits that were overissued to the household during that period and a period of ineligibility shall be assigned to the work-eligible household member for the remainder of the disqualification period. The end result being that the months covered by the claim and/or the actual disqualification period imposed will be equal to the number of months that otherwise should have been imposed under the appropriate disqualification period.

(d) Persons exempt from the work registration provisions as stated at *N.J.A.C. 10:87-10.2* are exempt from the voluntary quit or reduction of work effort provisions, with the exception of an individual who was employed 30 or more hours per week and then quit that employment (see *N.J.A.C. 10:87-10.2(b)*5).

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

This section was recodified with amendments from 3.19(d)1.-3.

Amended by R.1990 d.565, effective November 19, 1990.

See: 22 N.J.R. 2219(a), 22 N.J.R. 3486(a).

Deleted all reference to quitting the "most recent" job, thus aligning New Jersey's Food Stamp Program with Federal regulations at *7 CFR 273.7*.

Amended by R.1991 d.247, effective May 6, 1991.

See: 23 N.J.R. 179(a), 23 N.J.R. 1412(b).

In (b): added N.J.A.C. reference and procedures regarding benefits.

Added clarifying text in subsection (c).

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (a), inserted ", or voluntarily reduces his or her work to less than 30 hours per week," following "cause" in the first sentence, inserted a new second sentence, inserted "involuntarily" preceding "reducing" in the third sentence, rewrote the sixth sentence, and added a seventh sentence; in (b), added ", or reduced hours of work to less than 30 per week" and made a corresponding language change in the first sentence and substituted a reference to household members for a reference to households in the third sentence of the introductory paragraph, rewrote 1, and added 2; and rewrote (c).

Recodified from *N.J.A.C. 10:87-10.10* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

Substituted "NJ SNAP" for "food stamp" throughout; in (a), substituted "NJ SNAP program" for "Food Stamp Program", and deleted a comma following "comparable wages or hours"; in (c)1ii, deleted a comma following "resources"; and in (c)4, inserted "work-eligible" twice, and substituted "that" for "which" preceding "otherwise".

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N.J.A.C. 10:87-10.6

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§ 10:87-10.6 Good cause for voluntary quit or work reduction

(a) Good cause for leaving employment or reducing work effort includes the good cause provisions found at *N.J.A.C. 10:87-10.18* and resigning from a job that does not meet the suitability criteria specified at *N.J.A.C. 10:87-10.10*. Good cause for leaving employment or reducing work effort shall also include:

1. Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin, or political beliefs;

2. Work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule;

3. Acceptance by the primary wage earner of employment or enrollment of at least half-time in any recognized school, training program or institution of higher education, that requires the primary wage earner to leave or reduce employment;

4. Acceptance by any other household member of employment or enrollment of at least half-time in any recognized school, training program or institution of higher education in another county which requires the household to move and thereby requires the primary wage earner to leave or reduce employment;

5. A resignation by an individual under the age of 60 which is recognized by the employer as retirement;

6. Employment which becomes unsuitable (see *N.J.A.C. 10:87-10.10*) after acceptance of such employment;

7. Acceptance of a bona fide offer of employment more than 30 hours a week or in which the weekly earnings are equivalent to the Federal minimum wage multiplied by 30 hours which, because of circumstances beyond the control of the primary wage earner, subsequently does not materialize or results in employment of less than 30 hours a week or weekly earnings of less than the Federal minimum wage multiplied by 30 hours;

8. Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another such as migrant farm labor or construction work. There may be some circumstances where households will apply for NJ SNAP benefits between jobs, particularly in cases where work may not yet be available at the new job site. Even though employment at the new site has not actually

begun, the quitting of the previous employment shall be considered to be with good cause if such movement from employer to employer is part of the pattern of that type of employment;

9. Lack of adequate care of children who have reached age six but are under age 12;

10. The unavailability of transportation; or

11. The individual is unable to continue employment as a result of being a victim of family violence.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

This section was recodified from 3.19(d)4.

Recodified from *N.J.A.C. 10:87-10.11* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section. Former *N.J.A.C. 10:87-10.6*, Registration procedure, recodified to *N.J.A.C. 10:87-10.1*.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-10.7

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§ 10:87-10.7 Verification of voluntary quit or work reduction and good cause

(a) To the extent that the information given by the household is questionable as defined at *N.J.A.C. 10:87-2.20*, the CSSA shall request verification of the household's statements.

(b) The primary responsibility for providing verification rests with the household.

(c) If it is difficult or impossible for the household to obtain documentary evidence in a timely manner, the CSSA shall offer assistance to obtain the needed verification.

(d) Acceptable sources of verification include but are not limited to the previous employer, employee association, union representatives and grievance committees or organizations.

(e) Whenever documentary evidence cannot be obtained from the household member, the CSSA shall substitute a collateral contact. The CSSA is responsible for obtaining verification from acceptable collateral contacts provided by the household.

(f) If the household and the CSSA are unable to obtain requested verification from the above or other sources because the cause for the quit or work reduction resulted from circumstances which for good reason cannot be verified, such as a resignation from employment due to discriminatory practices, unreasonable demands by an employer, or because the employer cannot be located, the individual or household shall not be denied access to the NJ SNAP program.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

This section was recodified from 3.19 (d)5.

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

In (a): revised N.J.A.C. reference.

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (f), inserted a reference to individuals.

Recodified from *N.J.A.C. 10:87-10.12* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Deleted the introductory phrases throughout; in (a), amended the N.J.A.C. reference; in (f), inserted "or work reduction" following "cause for the quit". Former *N.J.A.C. 10:87-10.7*, Exemptions from the work registration requirement, recodified to *N.J.A.C. 10:87-10.2* .

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-10.8

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§ 10:87-10.8 Rules on ending a voluntary quit or a reduction in work disqualification

(a) Following the end of the mandatory disqualification period for voluntarily quitting a job or reducing work effort without good cause, an individual may begin participation in the program if he or she reapplies and is determined eligible by the CSSA.

1. In a situation where the NJ SNAP case remains active during the disqualification period, a formal reapplication is not needed. If the disqualified individual contacts the CSSA, the worker can verify that the individual is in compliance with the work requirements and if so, can add him or her back onto the case.

(b) An individual's eligibility may not be reestablished during a voluntary quit or work reduction disqualification period except in accordance with (c) below.

(c) Eligibility may be reestablished during a voluntary quit or work reduction disqualification if the violator becomes exempt from work registration requirements in accordance with *N.J.A.C. 10:87-10.2(b)*, other than the exemptions at *N.J.A.C. 10:87-10.2(b)*8 (exemption due to receipt of UIB) and 10.2(b)7 (exemption due to WFNJ/TANF work or training participation requirements). Additionally, if the individual, during the disqualification period, obtains employment of at least 30 hours per week or earns wages equivalent to the Federal minimum wage times 30 hours per week, he or she may reapply for NJ SNAP benefits and, if otherwise eligible, resume participation.

(d) Individuals who have been disqualified for voluntarily quitting a job or committing a work reduction shall carry their disqualification with them. If they join a new household, they would still be subject to any remaining months of the disqualification period.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

This section was recodified from 3.19 (d)6.

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (a), inserted a reference to individuals; and rewrote (b) through (d).

Recodified from *N.J.A.C. 10:87-10.13* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section. Former *N.J.A.C. 10:87-10.8*, Persons losing exempt status, recodified to *N.J.A.C. 10:87-10.3*.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

In (d), substituted "disqualification" for "sanction".

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-10.9

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§ 10:87-10.9 Application in the final month of disqualification

Except in cases of permanent disqualification, if an application for participation in the NJ SNAP program is filed in the final month of the mandatory disqualification period, the CSSA shall use the same application for the denial of benefits in the remaining month of disqualification as well as for the certification for any subsequent month(s), if all other eligibility criteria are met.

History

HISTORY:

New Rule, R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Former *N.J.A.C. 10:87-10.9*, Work registration requirements, recodified to *N.J.A.C. 10:87-10.4*.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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§ 10:87-10.10 Suitable employment

(a) Employment offered to a registrant shall be considered suitable unless one of the following conditions exist:

1. The wages offered are less than the highest of: the applicable Federal minimum wage, the applicable State minimum wage, or, if neither the State or Federal minimum wage is applicable, 80 percent of the Federal minimum wage. If the employment offered is on a piece-rate basis, and the average hourly yield the employee can reasonably be expected to earn is less than the applicable hourly wages specified above.

2. The registrant, as a condition of employment, is required to join, resign from, or refrain from joining, any legitimate labor organization.

3. The work offered is at a site subject to a strike or a lockout at the time of the offer unless the strike has been enjoined under Section 208 of the Labor-Management Relations Act (Taft-Hartley) or unless an injunction has been issued under Section 10 of the Railway Labor Act.

4. The registrant lacks adequate child care for children who have reached age 6 but are under age 12.

(b) In addition, employment offered a registrant shall be considered suitable unless the individual involved can demonstrate or the CSSA otherwise becomes aware that:

1. The degree of risk to health and safety is unreasonable;

2. He or she is physically or mentally unfit to perform the employment, as established by documentary medical evidence or reliable information obtained from other sources;

3. The employment offered within the first 30 days of registration is not in his or her major field of experience;

4. The distance of the employment from his or her residence is unreasonable considering the expected wage and the time and cost of commuting. Employment shall not be considered suitable if daily commuting time exceeds 2 hours per day, not including the transportation of a child to and from a child care facility. Nor shall employment be considered suitable if the distance to the place of employment

prohibits walking and neither public nor private transportation is available to transport the member to the job site;

5. The working hours or nature of the employment interferes with the individual's religious observances, convictions or beliefs; or

6. For students, the employment is offered during class hours or is more than 20 hours per week.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

This section was recodified from 3.19 (e).

Recodified from *N.J.A.C. 10:87-10.15* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Deleted the introductory phrases throughout; in (a), substituted "unless one" for "when any" following "suitable"; in (b), neutralized the gender references. Former *N.J.A.C. 10:87-10.10*, Voluntary quit, recodified to *N.J.A.C. 10:87-10.5*.

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§ 10:87-10.11 Strikers

(a) Households with striking member(s) shall be ineligible to participate in the NJ SNAP program unless the household was (or would have been) eligible for benefits the day prior to the strike and is otherwise eligible at the time of application. Pre-strike eligibility shall be determined by considering the day prior to the strike as the day of application and assuming the strike did not occur. Such households shall retain their eligibility but shall not receive an increased allotment as a result of a decrease in the income of the striking member(s) of the household.

(b) The CSSA shall determine eligibility by comparing the striking member's income before the strike to the striker's current income and adding the higher of the two figures to the current income of non-striking members during the month of application.

(c) To determine benefits (and eligibility for those households subject to the net income eligibility standard) deductions shall be calculated for the month of application as for any other household. Whether the striker's pre-strike earnings or current income is used, the earnings deduction shall be allowed, if appropriate.

(d) If other changes occur, such as but not limited to, a change in household size or non-strike related employment, the CSSA shall take appropriate action and adjust the benefit level.

(e) Strikers shall be subject to work registration criteria.

(f) For the purpose of the NJ SNAP program the term "striker" shall be defined as anyone involved in a strike or concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees. Additionally, any individual exempt from the work registration requirement, other than those exempt solely on the grounds that they are employed, shall not be deemed to be a striker. Examples of non-strikers who are eligible to participate in the program include, but are not limited to:

1. Employees whose workplace is closed by an employer in order to resist demands of employees (for example, lockout);

2. Employees unable to work as a result of striking employees (for example, truck drivers who are not working because striking pressmen prevent newspapers from being printed); or

3. Employees who are not part of the bargaining unit on strike who do not want to cross the picket line due to fear of personal injury.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

This section was originally 3.19 (f).

Recodified from N.J.A.C. 10:87-10:16 and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (f), deleted the introductory phrase. Former *N.J.A.C. 10:87-10.11*, Good cause, recodified to *N.J.A.C. 10:87-10.6*.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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§ 10:87-10.12 Job search components

(a) Persons required to register for work shall be subject to an independent job search or other appropriate NJ SNAP Employment and Training Program (NJ SNAP ETP) activity.

(b) During the initial assessment interview, the LWD worker shall determine the job search requirements of each work registrant and shall provide each registrant with written notification regarding his or her job search requirements, procedures to be followed and the consequences of failure to comply. Based on the capabilities and characteristics of the registrant, the LWD worker shall determine the extent of appropriate LWD activity for each work registrant.

1. Those registrants that have no apparent substantial barriers to employment shall be considered job ready.

2. Persons on temporary layoff or expecting to return to work within 60 days, shall be considered non-job ready for 60 days from the date of initial registration. At the end of the 60 day period, such persons shall be contacted to redetermine appropriateness for participation in job search.

(c) Exempt:

1. The determination of exempt status shall be made by the CSSA at the time of the work registration. This is done to preclude the need of such registrants to travel to the LWD office for an interview, unless it is impossible for the CSSA to determine exempt status from the information provided at the time of work registration.

2. Those work registrants for whom a job search is determined to be impractical, specifically including registrants residing an unreasonable distance from the LWD office location or considered to be unsuitable for participation in any efforts toward employment due to a permanent condition of unemployability shall be considered exempt. Such exemption shall be subject to reevaluation at the time of the individual's next recertification.

i. A distance shall be considered unreasonable if the round trip exceeds two hours by reasonably available public or private transportation.

3. Migrant and seasonal farmworkers away from their usual place of residence and following the work stream shall also be considered exempt.

4. Those registrants with substantial barriers to employment such as, but not limited to, medical or social problems documented in writing, language or other serious problems, that alone or in conjunction with adverse labor market conditions would make them difficult to place shall be considered exempt. Such exemption shall be subject to reevaluation at the time of the individual's next recertification.

(d) Persons determined to be job ready or persons losing exempt status or reentering the program after a period of absence shall be subject to and must comply with a job search for a minimum of eight weeks each 12 months. The LWD office may require that the eight week period be one continuous period, or that it be divided into two separate job search periods which total eight weeks.

1. Registrants shall contact, as required by LWD, up to a minimum of 24 prospective employers during the eight week period. If the job search period is shortened, the number of required job contacts shall be reduced on a pro rata basis, to the maximum extent practicable.

i. A referral to an employer shall be considered a job contact provided the registrant presents himself or herself to the employer as available for employment.

ii. To be considered a job contact initiated by the registrant, the registrant must present himself or herself to the employer as available for work and the employer must ordinarily employ persons in areas of work that the registrant is reasonably qualified for by means of experience, training or ability and is not considered unsuitable employment in accordance with *N.J.A.C. 10:87-10.10*.

iii. Depending upon the position being sought, the job contact requirements may be fulfilled by either a personal visit to the prospective employer or another method of application which is considered by the LWD office to be generally accepted practice.

iv. The work registrant cannot contact the same employer in subsequent weeks unless the initial contact indicated that vacancies in suitable job positions may soon exist.

2. Reporting job contacts to the LWD office.

i. Twice during the eight week job search period the work registrant shall report at a prescheduled time to the LWD worker, the result of all job search contacts. If the eight week job search activity is divided into two separate periods, the LWD worker may require the registrant to report once during each period of job search activity.

ii. Job contacts shall be reported in writing in a manner prescribed by LWD. At the time of the initial interview with the LWD worker, the work registrant shall be informed about the manner of reporting. While such reporting will not require the employer's written confirmation of the job contact, the registrant shall be required to sign written documentation to attest to its validity. The written report shall be submitted to the LWD worker at the work registrant's follow-up interview. The registrant shall be responsible for providing LWD, upon reasonable request, any additional information regarding job contacts.

(e) The LWD worker shall determine if the work registrant has completed the assigned number of job contacts.

1. If the registrant was assigned a continuous job search period of less than eight weeks, the registrant shall have two additional weeks to complete any missed contacts.

2. If the registrant was assigned a single continuous eight week job search period, no additional time shall be allowed unless the LWD worker fails to accept, for reasons such as suitability or manner of contact, a job contact(s) reported by the registrant. In such instances, the work registrant shall be allowed an additional two weeks to make up the disallowed contact(s).

3. Persons failing to complete the required number of job contacts, with good cause, shall be excused from completion of the job search requirements.

4. If a registrant believes that a LWD determination is improper, review of the determination may be obtained from a designated LWD official not involved in the original determination. For example, if the registrant believes he or she has been improperly assigned to a job search category or assigned an improper number of job search contacts, or that an action which should have been counted as a contact was not, a review may be obtained. This also applies to an LWD determination that noncompliance was not for good cause.

(f) A complete file on each work registrant shall be maintained by the LWD office.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

This section was originally 3.19(g).

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

Substituted references to DOL for references to FSETP throughout; rewrote (a); in (b), substituted a reference to DOL activity for a reference to E&T activity in the introductory paragraph; and in (c)2, substituted a reference to the DOL office location for a reference to the E&T location.

Recodified from *N.J.A.C. 10:87-10.17* and amended by R.2004 d.181, effective May 17, 2004.

See: *35 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Deleted the introductory phrases throughout; in (d)1ii, amended the N.J.A.C. reference. Former *N.J.A.C. 10:87-10.12*, Verification of voluntary quit and good cause, recodified to *N.J.A.C. 10:87-10.7*.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

Substituted "LWD" for "DOL" throughout; and rewrote (c)1.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-10.13

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§ 10:87-10.13 Job search training component

(a) Job search training consists of two segments, classroom group job search training techniques and motivation, followed by a period of supervised job club or job search.

(b) The duration of the classroom training segment may vary dependent upon the approved program component available in a particular county.

1. The curriculum in the group training segment will include confidence-building, self-evaluation, goal assessment and training in job search skills. Participants will be taught to locate potential employers and to develop an individual job search profile.

2. Participants will be expected to attend all classroom sessions. Failure to adhere to attendance and participation requirements without good cause may result in disqualification from the NJ SNAP program for failure to comply.

(c) During the job search training component, participants will be required to undertake a supervised job search similar to independent job search, or participate in a supervised job club.

1. Job club participants may be required to report daily to a specific location (site) to make telephone contacts to obtain job interviews.

2. Participants will be expected to attend all assigned site sessions. Failure to adhere to attendance and participation requirements without good cause may result in disqualification from the NJ SNAP program for failure to comply.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

This section was originally 3.19(h).

Amended by R.1993 d.62, effective February 1, 1993.

See: 24 N.J.R. 3207(b), 25 N.J.R. 584(a).

In (c), stylistic revisions.

Recodified from *N.J.A.C. 10:87-10.18* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (a), deleted the introductory phrase. Former *N.J.A.C. 10:87-10.13*, Rules on ending a voluntary quit disqualification, recodified to *N.J.A.C. 10:87-10.8*.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-10.14

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 87. NEW JERSEY SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (NJ SNAP) MANUAL > SUBCHAPTER 10. FISCAL OPERATIONAL PROBLEMS

§ 10:87-10.14 Vocational/educational training component

(a) After initial screening and assessment by the NJ SNAP ETP worker, an individualized plan will be developed with the participant. Work registrants who have complied with other job search and/or job search training requirements may be referred to other educational development, skill training or vocational training, as appropriate.

(b) Vocational training may be offered through classroom training arranged by the Workforce Investment Act of 1998 (WIA), and designed to train workers in occupations for which demand exceeds supply.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

This section was originally 3.19(i).

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (a), substituted a reference to DOL for a reference to FSETP; and deleted former (c) and (d).

Recodified from *N.J.A.C. 10:87-10.19* and amended by R.2004 d.181, effective May 17, 2004.

See: *35 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote (a); in (b) substituted "the Workforce Investment Act of 1998 (WIA)" for "JTPA". Former 10:87-10.4 was reserved.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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§ 10:87-10.15 Failure to comply with employment and training requirements

(a) If an individual fails to comply with a work registration or an NJ SNAP ETP component requirement, without good cause, the CSSA shall perform the following actions:

1. The CSSA shall issue a 10-day notice of adverse action to the household member in noncompliance. The client will have 10 days after the adverse action notice is sent to comply with the NJ SNAP ETP activity requirements, or show good cause as to why he or she has not complied. Failure to comply or show good cause shall result in an NJ SNAP disqualification penalty in accordance with *N.J.A.C. 10:87-10.16*;

2. When response to the adverse action notice results in an agreement to begin a new activity or continue with the previously assigned activity, or if the client shows good cause for not complying with his or her NJ SNAP ETP activity, no further action shall be taken to impose the NJ SNAP disqualification penalty; and/or

3. If the client fails to comply with his or her NJ SNAP ETP activity after agreeing to begin a new activity or fails to continue with his or her previously assigned activity, without good cause, the client shall be sent an adverse action notice reauthorizing the imposition of the original NJ SNAP disqualification penalty.

(b) Ten days after the adverse action notice has been issued, the CSSA shall begin the disqualification period in accordance with *N.J.A.C. 10:87-10.16*.

1. The following information shall be provided in the 10-day adverse action notice:

i. A description of the non-cooperation;

ii. Announcement of the imposition of the NJ SNAP disqualification, the penalty and the duration; and

iii. Encouragement to cooperate before the case closes.

2. Each individual or household has a right to a fair hearing to appeal a denial, reduction, or termination of benefits due to a determination of non-exempt status or a CSSA/LWD determination of failure to comply with the work registration and/or work and training requirements of this subchapter (see *N.J.A.C. 10:87-10.17*).

3. If the individual who committed the violation is the head of household, a new head of household shall be determined in accordance with *N.J.A.C. 10:87-2.6*.

4. If the individual who committed the violation is the only adult member of the household able to act on its behalf and the CSSA has determined that no one else is available to serve as an authorized representative, then the disqualified household member may serve as an authorized representative in accordance with *N.J.A.C. 10:87-2.10*.

(c) An NJ SNAP recipient subject to the able-bodied adults without dependents (ABAWDS) provisions, who is in his or her third full month of receiving NJ SNAP benefits without having met the work requirements, shall not be entitled to any further NJ SNAP benefits without reestablishing eligibility in accordance with *N.J.A.C. 10:87-10.20*.

1. Good cause shall not exist for an NJ SNAP recipient who is subject to the ABAWDS provisions and who has received three months of NJ SNAP benefits while not participating as required.

2. In the situation described at (c) above, such individuals shall be sent a notice of adverse action informing them that their NJ SNAP benefits will be terminated or denied, as applicable to the household's situation. These individuals shall be referred to LWD, which can provide services and activities for the ABAWDS to reestablish eligibility in accordance with *N.J.A.C. 10:87-10.20(d)*.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

This section was originally 3.20(a)-(b).

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

Rewrote (a); and in (b), substituted references to DOL for references to FSETP throughout.

Recodified from *N.J.A.C. 10:87-10.20* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section. Former *N.J.A.C. 10:87-10.15*, Unsuitable employment, recodified to *N.J.A.C. 10:87-10.10*.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

Substituted "LWD" for "DOL" throughout.

Repeal and New Rule, R.2009 d.94, effective March 16, 2009.

See: *40 N.J.R. 5932(a)*, *41 N.J.R. 1245(b)*.

Section was "Failure to comply with employment and training requirements".

Administrative change.

See: *44 N.J.R. 1529(a)*.

Modified by Executive Order No. 103(2020), effective April 2, 2020.

See: *52 N.J.R. 978(b)*.

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§ 10:87-10.16 Penalty for noncompliance with employment and training requirements

(a) If the CSSA determines that an individual has refused or failed to comply with the requirements imposed by this subchapter, that individual shall be ineligible to participate in the NJ SNAP program as described below, and is treated as an ineligible household member in accordance with *N.J.A.C. 10:87-7.7*.

1. The first violation results in a disqualification of either one month, or until the individual complies with the work registration or NJ SNAP EPT requirement, which he or she failed to perform, whichever is later.

2. The second violation results in a disqualification of either three months, or until the individual complies with the work registration or NJ SNAP EPT requirement, which he or she failed to perform, whichever is later.

3. The third and subsequent violations result in a disqualification of either six months, or until the individual complies with the work registration or NJ SNAP EPT requirement, which he or she failed to perform, whichever is later.

(b) The period of ineligibility shall be removed if the individual becomes exempt from work registration through the provisions at *N.J.A.C. 10:87-10.2* other than the exemptions at *N.J.A.C. 10:87-10.2(b)* (exemption due to receipt of UIB) or *N.J.A.C. 10:87-10.2(b)*7 (exemption due to compliance with a WFNJ/TANF work or training requirement).

(c) Should a household which has been determined to be noncompliant without good cause split into more than one household, the disqualification shall follow the member who caused the disqualification. If the member who failed to comply joins another household the individual shall be considered an ineligible household member in accordance with *N.J.A.C. 10:87-7.7*.

(d) The CSSA shall determine whether good cause for noncompliance exists in accordance with *N.J.A.C. 10:87-10.18*.

(e) The CSSA shall provide the individual or household with a notice of adverse action within 10 days of determining that the noncompliance was without good cause. Such notification shall contain the particular act of noncompliance committed, the proposed period of disqualification and shall specify that the individual or household may reapply at the end of the disqualification period. Information shall also be included with the notice on

the action that can be taken to end or avoid the disqualification, and procedures and requirements for reestablishment of eligibility.

(f) The disqualification period shall begin with the first month following the expiration of the adverse action notice period, unless a fair hearing is requested.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

This section was originally 3.20(c)-(e)5.

Amended by R.1991 d.247, effective May 6, 1991.

See: 23 N.J.R. 179(a), 23 N.J.R. 1412(b).

In (c): revised N.J.A.C. citation and added final sentence to text regarding a household determined to be ineligible due to failure to comply with work registration requirements.

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

Rewrote (a) and (b); and in (c), added "or until the individual complies with the work registration or ETP requirement which he or she failed to perform, whichever is greater" at the end of the second sentence.

Recodified from *N.J.A.C. 10:87-10.21* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote (a) and (c). Former *N.J.A.C. 10:87-10.16*, Strikers, recodified to *N.J.A.C. 10:87-10.11*.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

Substituted "disqualification" for "sanction" throughout.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

In the introductory paragraph of (a), substituted "NJ SNAP program" for "Food Stamp Program"; in (a)1 through (a)3, substituted "NJ SNAP EPT requirement," for "FSETP requirement"; and in (e), substituted the third occurrence of "that" for "which" and "disqualification," for "sanction".

Modified by Executive Order No. 103(2020), effective April 2, 2020.

See: *52 N.J.R. 978(b)*.

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N.J.A.C. 10:87-10.17

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§ 10:87-10.17 Fair hearings

(a) Each individual or household has a right to a fair hearing to appeal a denial, reduction or termination of benefits due to a determination of nonexempt status, or a CSSA/LWD determination of failure to comply with the work registration or work and training requirements of this subchapter. A fair hearing shall be scheduled in accordance with *N.J.A.C. 10:87-8.6(a)*4.

(b) Individuals or households may appeal CSSA or LWD actions such as exemption status, the type of requirement imposed, or CSSA or LWD refusal to make a finding of good cause, if the individual or household believes that a finding of failure to comply has resulted from improper decision on these matters.

(c) If the hearing involves a decision made by the LWD, the CSSA shall provide sufficient advance notice to LWD to either permit the attendance of a representative or ensure that a representative will be available for questioning over the phone during the hearing. A representative of LWD shall be available through one of these means.

(d) A household shall be allowed to examine its employment and training component case file at a reasonable time before the hearing, except for confidential information (which may include test results) that the agency determines should be protected from release. Information not released to a household may not be used by either party at the hearing.

(e) The results of the fair hearing shall be binding on the CSSA and LWD.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

This section was originally 3.20(c)6.

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (b) and (e), substituted references to DOL for references to FSETP throughout; and rewrote (c).

Recodified from *N.J.A.C. 10:87-10.22* by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Former *N.J.A.C. 10:87-10.17*, Job search components, recodified to *N.J.A.C. 10:87-10.12*.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

Substituted "LWD" for "DOL" throughout.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

In (a), deleted a comma following "reduction" and inserted "CWA/LWD".

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N.J.A.C. 10:87-10.18

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 57 No. 19, October 6, 2025

§ 10:87-10.18 Good cause for noncompliance

(a) The CSSA shall be responsible for determining good cause in those instances where the work registrant fails to comply with the work registration, work and training requirements or voluntary quit requirements of this subchapter. The CSSA shall take into consideration all of the facts and circumstances which existed at the time of the registrant's alleged failure to comply including information submitted by the employer and the household member involved. Good cause shall include circumstances beyond the control of the registrant.

1. If the good cause for noncompliance is temporary (less than 60 days) the person shall be referred again to a component as soon as practicable.

2. If the good cause represents a situation or condition which will continue for 60 days or more, the person shall be considered exempt.

3. If the good cause for noncompliance no longer exists, the person shall be referred to a component as soon as practicable.

(b) Good cause for noncompliance shall include circumstances such as, but not limited to, the illness of the registrant or another household member, unavailability of transportation, an unanticipated emergency, and/or the lack of adequate care for children who have reached age six but are under age 12. Problems caused by inability of the registrant to speak or write English may constitute good cause. For example, a registrant with limited English proficiency would have good cause for not appearing for a LWD interview if the appointment notice was written only in English. Additionally, a victim of family violence who is determined to be unable to continue employment or to participate in a work activity shall be considered to have good cause for failure to comply.

1. In the case of a registrant's failure to comply due to the illness of another household member, such illness shall be sufficiently serious as to require the presence of the registrant.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

This section was originally 3.20(d)-(e).

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (b), substituted a reference to DOL for a reference to FSETP in the last sentence of the introductory paragraph.

Recodified from *N.J.A.C. 10:87-10.23* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Deleted the introductory phrases throughout. in (b), rewrote the introductory paragraph. Former *N.J.A.C. 10:87-10.18*, Job search training component, recodified to *N.J.A.C. 10:87-10.13*.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

In (b), substituted "LWD" for "DOL".

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N.J.A.C. 10:87-10.19

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§ 10:87-10.19 Ending disqualification for noncompliance with employment and training requirements

(a) Except in cases of permanent disqualification, at the end of the disqualification period for noncompliance with the work registration or employment and training requirements, participation may resume if the disqualified individual applies again and is determined by the CSSA to be in compliance with work requirements, in accordance with (c) below.

1. If the disqualification period should lapse and, upon reapplication, the individual again refuses to comply with the work registration and/or work and training requirements, his or her disqualification shall continue.

(b) A disqualified individual shall be permitted to resume participation during the disqualification period (if otherwise eligible) by becoming exempt from work requirements.

(c) Eligibility may be re-established after a disqualification period has expired, and the individual shall, if otherwise eligible, be permitted to resume participation if he or she complies as follows:

1. Registration by the individual who refused to register.

2. Compliance with the request from the CSSA, or the LWD office, to provide supplemental information regarding employment status or availability for work;

3. Reporting to that employer to whom referred by the NJ SNAP ETP worker if work is still available or to another employer to whom referred.

4. Acceptance of a bona fide offer of suitable employment to which referred by the NJ SNAP ETP worker, if still available to the participant, or securing other employment which yields earnings per week equivalent to the refused job, or securing employment of at least 30 hours per week or securing employment of less than 30 hours per week but with weekly earnings equal to the Federal minimum wage multiplied by 30 hours.

5. Compliance with the NJ SNAP ETP component assignment or requirement or an alternate assignment or requirement.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

This section was originally 3.21.

Amended by R.1991 d.247, effective May 6, 1991.

See: 23 N.J.R. 179(a), 23 N.J.R. 1412(b).

In (b)4: added phrase ". . . or securing employment of less than 30 hours per week but . . .".

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

Rewrote the section.

Recodified from *N.J.A.C. 10:87-10.24* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section. Former *N.J.A.C. 10:87-10.19*, Vocational/educational training component, recodified to *N.J.A.C. 10:87-10.14*.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

In (c)2, substituted "LWD" for "DOL".

Administrative change.

See: *44 N.J.R. 1529(a)*.

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§ 10:87-10.20 Mandatory work activity for able-bodied adults without dependents (ABAWDS)

(a) Under the ABAWDS provision, unless exempt, an individual cannot continue to receive NJ SNAP benefits if, for more than three full calendar months within a fixed 36-month period, he or she did not:

1. Work at least 20 hours per week (averaged monthly);

i. A recipient who is an employee under contract for employment on average of 20 hours/week (for example, a school employee) shall be considered to be continuing to meet the 20 hours per week requirement during temporary breaks between contracts, provided the employee intends to continue such employment after the contract expires, and that the total hours worked throughout the calendar year average at 20 hours per week; or

2. For 20 hours or more per week, participate in and comply with a WIA or Trade Adjustment Assistance Act (TAA) program activity, or NJ SNAP Employment and Training Program (NJ SNAP ETP) activity other than a job search or job search training program; or

3. Participate in and comply with a NJ SNAP workfare program, or a State-approved workfare program.

(b) Each 36-month fixed period applies to an individual recipient, not to the entire NJ SNAP household. Once a 36-month period expires for a recipient, another shall immediately commence. It is possible to have different 36-month periods for two different recipients in the same household.

1. When calculating the three full calendar months within a fixed 36-month period, as cited at (a) above, the receipt of a partial month of NJ SNAP benefits shall not be included.

(c) The ABAWDS provision does not apply to an individual during a month in which the individual is:

1. Under 18 or over 50 years of age;

i. "Over 50 years of age," for this purpose, is defined as the date the individual becomes age 50.

ii. A recipient becomes subject to the ABAWDS provision the month following the month in which the recipient turns 18 years of age.

2. Residing in certain specific municipalities or counties in New Jersey that have been approved by USDA to be exempt from the ABAWDS provision, based upon criteria prescribed by USDA. Also, an additional 15 percent of the ABAWD population may be waived. Both DFD and the CSSAs retain a list of those approved counties and municipalities, as well as the categories of ABAWDs exempted under the discretionary 15 percent. The specific regions exempted from the ABAWDS provision and the categories for the discretionary exemptions are subject to periodic review by both DFD and USDA and, therefore, are subject to change.

3. Medically certified as physically or mentally unfit for employment. The certification worker shall document in the case record the verification methods utilized to determine that the recipient is unfit for employment. The CSSA may utilize any of the following criteria to determine if the individual can be medically certified as physically or mentally unfit for employment:

i. Eligibility for SSI benefits for the blind or disabled, with the exception of "essential persons" (as defined by SSA);

ii. Receipt of temporary or permanent disability benefits issued by governmental or private sources; or

iii. A statement from a physician or licensed or certified psychologist which substantiates the applicant's claim of disability. The certification worker may obtain such medical verification either in writing or by telephone.

4. A parent or other member of a household with responsibility for a dependent child, age under 18. (This exemption may be allowed for more than one adult responsible for the same child.);

5. Pregnant; or

6. Exempt from NJ SNAP work requirements at *N.J.A.C. 10:87-10.2(b)*, with the exception of individuals who are exempt due to incapacity (*N.J.A.C. 10:87-10.2(b)*4).

(d) An individual losing NJ SNAP eligibility due to the ABAWDS provision can regain eligibility for up to a maximum of three consecutive additional months if, during a 30-day period, the individual first:

1. Works 80 hours or more;

2. For 80 hours or more, participates in and complies with either a WIA or TAA program activity, or an NJ SNAP ETP activity other than a job search or job search training program; or

3. Participates in and complies with either an NJ SNAP workfare program, or a State-approved workfare program.

(e) Once the individual has met the reinstatement criteria in (d) above, he or she may participate (if otherwise eligible) in the Program for an extension period of three consecutive months while not being exempt from the ABAWDS provision.

(f) Once the three months of extended benefits are exhausted, the individual can only participate in the Program if he or she either meets the criteria in (a) or (c) above, or the fixed 36-month period for that individual expires.

(g) An individual who has his or her eligibility terminated due to this provision, but who subsequently files an NJ SNAP application after that termination, shall have that application denied. The individual shall not be certified until he or she either first meets the reinstatement criteria established in (d) above, becomes exempt from the ABAWDS provision, or the 36-month ABAWDS time frame for that individual expires.

(h) There may be situations where an individual received benefits, is subsequently found to have been ineligible for benefits for a particular month(s), and the CSSA establishes a claim to recover the month(s) of overissuance. As the claim is repaid for a particular month, that month shall not be treated as a month of receipt for ABAWDS purposes.

(i) An individual is exempt from the ABAWDS provision if he or she is enrolled at least half-time in a school or training program (*N.J.A.C. 10:87-10.2(b)* 3). Refugee training programs which meet the conditions at *N.J.A.C. 10:87-10.2(b)*3 qualify an individual for an ABAWDS exemption.

(j) After the initial four week job search/job training, qualifying work programs for ABAWDS can contain job search as a subsidiary component, but the job search/job search training activity must be less than one half of the requirement. Since the State requires a minimum of 30 hours per week activity, NJ SNAP ETP workers shall ensure that no more than 14 hours of that activity is composed of job search/job training.

History

HISTORY:

New Rule, R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

Recodified from *N.J.A.C. 10:87-10.25* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote the section. Former *N.J.A.C. 10:87-10.20*, Failure to comply, recodified to *N.J.A.C. 10:87-10.15*.

Administrative change.

See: *44 N.J.R. 1529(a)*.

Modified by Executive Order No. 103(2020), effective April 2, 2020.

See: *52 N.J.R. 978(b)*.

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N.J.A.C. 10:87-10.21

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§ 10:87-10.21 (Reserved)

History

HISTORY:

Repealed by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Section was "Penalty for noncompliance with employment and training requirements".

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N.J.A.C. 10:87-10.22

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§ 10:87-10.22 (Reserved)

History

HISTORY:

Repealed by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Section was "Fair hearings".

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§ 10:87-10.23 (Reserved)

History

HISTORY:

Repealed by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Section was "Good cause for noncompliance".

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N.J.A.C. 10:87-10.24

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§ 10:87-10.24 (Reserved)

History

HISTORY:

Repealed by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Section was "Ending disqualification".

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§ 10:87-10.25. (Reserved)

History

HISTORY:

Repealed by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Section was "Mandatory work activity for able-bodied adults without dependents (ABAWDS)."

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N.J.A.C. 10:87-11.1

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§ 10:87-11.1 Disqualification for intentional program violation--administrative responsibility

(a) The CSSA shall be responsible for investigating any case of alleged intentional program violation (IPV), and ensuring that appropriate cases are acted upon either through administrative disqualification hearings or referral to a court of appropriate jurisdiction in accordance with the procedures outlined in this subchapter. Administrative disqualification procedures or referral for prosecution action shall be initiated by the CSSA in cases in which the CSSA has sufficient documentary evidence to substantiate that an individual has intentionally made one or more acts of IPV as defined at *N.J.A.C. 10:87-11.3(a)*.

(b) If the CSSA does not initiate administrative disqualification procedures or refer for prosecution a case involving an overissuance caused by a suspected act of IPV, the CSSA shall take action to collect the overissuance by establishing an inadvertent household error claim against the household in accordance with procedures at *N.J.A.C. 10:87-11.20(e)*2.

(c) The CSSA shall refer to the Division's Bureau of Administrative Review and Appeals administrative disqualification hearings cases in which the CSSA believes the facts of the individual case do not warrant civil or criminal prosecution through the appropriate court system, cases previously referred for prosecution that were declined by the appropriate legal authority, and previously referred cases where no action was taken within a reasonable period of time and the referral was formally withdrawn by the CSSA.

(d) The CSSA shall not initiate an administrative disqualification hearing against an accused individual whose case is currently being referred for prosecution or subsequent to any action taken against the accused individual by the prosecutor or court of appropriate jurisdiction, if the factual issues of the case arise out of the same, or related, circumstances.

(e) The CSSA may initiate administrative disqualification procedures or refer a case for prosecution regardless of the current eligibility of the individual.

(f) When the CSSA refers the case to the prosecutor, the prosecutor has the option to proceed with a court procedure or deny the case. If the case is denied by the prosecutor, the client, in the prosecutor's presence, shall sign the Disqualification Consent Agreement (DCA) in accordance with *N.J.A.C. 10:87-11.5*. The DCA notifies the client of the

penalties involved when committing an IPV and by signing the DCA, the client acknowledges his or her understanding of those conditions.

1. After the case has been denied by the prosecutor, the case reverts back to the CSSA which provides the client the option to proceed with an administrative disqualification hearing (ADH) or to sign an ADH waiver that waives his or her right to a hearing in accordance with *N.J.A.C. 10:87-11.5*.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Recodified (a)1.-3. as (b)-(d).

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (a), increased the ineligibility period from six to 12 months for first violations and from 12 to 24 months for second violations; and added (e) through (i).

Repeal and New Rule, R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Section was "Intentional program violation disqualification".

Amended by R.2009 d.94, effective March 16, 2009.

See: *40 N.J.R. 5932(a)*, *41 N.J.R. 1245(b)*.

Rewrote (f).

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N.J.A.C. 10:87-11.2

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§ 10:87-11.2 Disqualification penalties

(a) Individuals found to have committed an IPV, through either an administrative disqualification hearing or by a Federal, State or local court, or who have signed either a waiver of right to an administrative disqualification hearing or a disqualification consent agreement in cases referred for prosecution, shall be ineligible to participate in the program, except as provided at (b) through (e) below. The following are disqualification penalties:

1. A period of 12 months for the first IPV;
2. A period of 24 months upon the second occasion of an IPV; and
3. Permanently for the third occasion of any IPV.

(b) Individuals found by a Federal, State or local court to have used or received benefits in a transaction involving the sale of a controlled substance (as defined in section 102 of The Controlled Substances Act, *21 U.S.C. § 802*) shall be ineligible to participate in the program as follows:

1. For a period of 24 months upon the first occasion of such violation; and
2. Permanently upon the second occasion of such violation.

(c) Individuals found by a Federal, State or local court to have used or received benefits in a transaction involving the sale of firearms, ammunition or explosives shall be permanently ineligible to participate in the program upon the first occasion of such violation.

(d) An individual convicted by a Federal, State or local court of having trafficked benefits for an aggregate amount of $ 500.00 or more shall be permanently ineligible to participate in the program upon the first occasion of such violation.

(e) Except as provided at (a)3 above, an individual found to have made a fraudulent statement or representation with respect to the identity or place of residence of the individual in order to receive multiple NJ SNAP benefits simultaneously shall be ineligible to participate in the program for a period of 10 years.

(f) The penalties at (b) and (c) above shall also apply in cases of deferred adjudication as described at *N.J.A.C. 10:87-11.8*, where the court makes a finding that the individual engaged in the conduct described at (b) and (c) above.

(g) If a court fails to impose a disqualification or a disqualification period for any IPV, the CSSA shall impose the appropriate disqualification penalty specified at (a) through (e) above, unless it is contrary to the court order.

(h) One or more IPVs which occurred prior to April 1, 1983, shall be considered as only one previous disqualification when determining the appropriate penalty to impose in a case under consideration.

(i) Regardless of when an action taken by an individual which caused an IPV occurred, the disqualification periods at (b) and (c) above shall apply to any case in which the court makes the requisite finding on or after September 1, 1994.

(j) For the disqualification periods at (a), (e) or (f) above, if the offense occurred prior to the implementation of these penalties, the CSSA shall establish a policy of disqualifying these individuals in accordance with the disqualification periods in effect at the time of the offense. This policy must be consistently applied for all affected individuals.

(k) CSSAs shall disqualify only the individual found to have committed the IPV, or who signed the waiver of the right to an administrative disqualification hearing or disqualification consent agreement in cases referred for prosecution, and not the entire household.

(l) Even though only the individual is disqualified, the household is responsible for making restitution for the amount of any overpayment. All IPV claims must be established and collected in accordance with *N.J.A.C. 10:87-11.20*.

(m) The individual shall be notified in writing once it is determined that he or she is to be disqualified. The disqualification period shall begin no later than the second month which follows the date the individual receives written notice of the disqualification. The disqualification period shall continue uninterrupted until completed, regardless of the eligibility of the disqualified individual's household.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Recodified from *N.J.A.C. 10:87-11.1(a)*4.-5. to 11.2(a)-(f).

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (a), rewrote the last sentence.

Repeal and New Rule, R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Section was "Imposing disqualification periods".

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-11.3

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§ 10:87-11.3 Definition of intentional program violation

(a) IPVs shall consist of having intentionally:

1. Made a false or misleading statement, or misrepresented, concealed or withheld facts; or

2. Committed any act that constitutes a violation of the Food and Nutrition Act of 2008 (*7 U.S.C. §§ 2011* et seq.), the NJ SNAP program rules or any State statute for the purpose of using, presenting, transferring, acquiring, receiving, possessing or trafficking of benefits, authorization cards or reusable documents used as part of an automated benefit delivery system (access device).

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Recodified from *N.J.A.C. 10:87-11.1(b)*.

Repeal and New Rule, R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Section was "Waiver of right to administrative disqualification hearing".

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

In (a)2, substituted "Food and Nutrition Act of 2008 (*7 U.S.C. §§ 2011* et seq.)" for "Food Stamp Act" and "NJ SNAP program rules" for "Food Stamp Program Regulations,".

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N.J.A.C. 10:87-11.4

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§ 10:87-11.4 Notification to applicant households

The CSSA shall inform the household in writing of the disqualification penalties for IPVs each time the household applies for program benefits. The penalties shall be in clear, prominent, and bold face lettering on the application form.

History

HISTORY:

As amended, R.1983 d.224, effective May 31, 1983.

See: 15 N.J.R. 633(a), 15 N.J.R. 1034(a).

Originally adopted as an Emergency Rule, R.1983 d.117, effective March 31, 1983, operative April 1, 1983. The amendments are pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

Text concerning fraud deleted; replaced by greatly expanded text covering intentional program violation and mandatory disqualifications.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Recodified from *N.J.A.C. 10:87-11.1(c)*.

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (b)3, substituted a reference to 12-month disqualifications for a reference to six-month disqualifications, and substituted a reference to 12-month disqualifications for a reference to 24-month disqualifications.

Repeal and New Rule, R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Section was "Disqualification consent agreement".

§ 10:87-11.4 Notification to applicant households

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§ 10:87-11.5 Disqualification hearings

(a) The State shall conduct administrative disqualification hearings for individuals accused of IPVs in accordance with the requirements outlined at (a)1 through 9 below:

1. The State may combine a fair hearing and an administrative disqualification hearing into a single hearing if the factual issues arise out of the same, or related, circumstances and the household receives prior notice that hearings will be combined. If the disqualification hearing and fair hearing are combined, the CSSA shall follow the time frames for conducting disqualification hearings. If the hearings are combined for the purpose of settling the amount of the claim at the same time as determining whether or not an IPV has occurred, the household shall lose its right to a subsequent fair hearing on the amount of the claim. However, upon household request, the 30-day advance notice period may be waived by the household when the disqualification hearing and fair hearing are combined.

2. Disqualification hearing procedures are as follows:

i. The provisions of *7 C.F.R. 273.15(m)* through (q)1 are also applicable to disqualification hearings.

ii. Within 90 days of the date the household member is notified in writing that a State hearing initiated by the CSSA has been scheduled, OAL shall conduct the hearing, arrive at a decision and notify the household member of the decision.

iii. OAL publishes clearly written rules of procedure for disqualification hearings at N.J.A.C. 1:10-1, and makes these procedures available to any interested party.

3. Advance notice of hearings are as follows:

i. The CSSA shall provide written notice to the individual suspected of committing an IPV at least 30 days in advance of the date a disqualified hearing has been scheduled. If mailed, the notice shall be sent certified mail-return receipt requested or, if served, it shall be served in person by a CSSA representative.

(1) In the event that the individual refuses to accept delivery of the advance notice and the mail receipt notes that fact, the receipt will be accepted as proof of notice served. Accordingly, the certified letter should generally be clearly marked "deliver to addressee only" in order to ensure that notice is served on the correct individual. A return receipt for certified mail that contains the

signature of an individual other than the person addressed, is insufficient evidence that proper advance notice was given. Furthermore, letters sent by certified mail which are returned to the CSSA with notations such as "unclaimed" or "undeliverable" offer no proof at all that the advance notice requirements have been met.

(2) The CSSA shall proceed with hearings only when sufficient proof is available which indicates that individuals have either received timely notices of hearings or have refused delivery of such notice.

(3) When the CSSA has been unsuccessful in obtaining proof of receipt, for example, a postal notice has been returned to the CSSA indicating "unclaimed" or "undeliverable," the CSSA shall take further steps to attempt delivery of the notice. Those steps include, but are not limited to, telephone calls or contacts with family and friends to obtain a current address or served in person by a CSSA representative.

(4) Under certain circumstances, it may be more effective for the notice not to be a strict "deliver to addressee" procedure. For example, if the individual suspected of the IPV is believed to be currently employed during the usual mail delivery hours and is still living with or in frequent contact with his or her family, the certified mail should be accompanied by a return receipt which a household member is permitted to sign. However, this signature, even by an individual's spouse, must be supported by proof that the correct individual actually received the notice on a timely basis. A telephone confirmation by that person would be adequate proof. If the individual cannot be contacted, a telephone confirmation by a family member that the notice was actually given to the individual accused of the IPV shall be acceptable proof in the absence of a claim of non-receipt by the individual.

(5) If no proof of receipt is obtained, a timely (as defined at paragraph (a)4ii below) showing of non-receipt by the individual shall be considered good cause for not appearing at the hearing.

ii. The notice shall contain at a minimum:

(1) The date, time and place of the hearing;

(2) The charge(s) against the individual;

(3) A summary of the evidence, and how and where the evidence can be examined;

(4) A warning that the decision shall be based solely on information provided by the CSSA if the individual fails to appear at the hearing;

(5) A statement that the individual or representative will, upon receipt of the notice, have 10 days from the date of the scheduled hearing to present good cause for failure to appear in order to receive a new hearing;

(6) A warning that a determination of IPV will result in disqualification periods as provided at *N.J.A.C. 10:87-11.2*, and a statement of which penalty the CSSA believes is applicable to the case scheduled for a hearing;

(7) A listing of the individual's rights as contained at N.J.A.C. 10:87-8;

(8) A statement that the hearing does not preclude the State or Federal government from prosecuting the individual for the IPV in a civil or criminal court action, or from collecting any over issuance(s);

(9) If there is an individual or organization available that provides free legal representation, the notice shall advise the affected individual of the availability of the service;

(10) A copy of OAL's published hearing procedures shall be attached to the 30 days advance notice or the advance notice shall inform the individual of his or her right to obtain a copy of the CSSA's published hearing procedures upon request; and

(11) Each CSSA shall use the DFD advance notice form, Advance Notice--NJ SNAP Administrative Disqualification Hearing.

4. Procedures for the scheduling of hearings are as follows:

i. The time and place of a hearing shall be arranged so that the hearing is convenient to the household member suspected of an IPV. If the household member or its representative cannot be located or fails to appear at a hearing without good cause, the hearing shall be conducted without the household member being represented. Even though the household member is not represented, the ALJ is required to carefully consider the evidence and determine if an IPV was committed based upon clear and convincing evidence.

ii. The household member has 30 days after the date of the written notice of the hearing decision to claim good cause for failure to appear, if the good cause is based upon non-receipt of the hearing notice. The good cause decision shall be entered into the record.

iii. Complete procedures for the scheduling of hearings can be found at N.J.A.C. 1:10-1.

5. Procedures for participation while awaiting a hearing is as follows:

i. A pending disqualification hearing shall not affect the individual's or the household's right to be certified and participate in the program. Since a household member cannot be disqualified for an IPV until the DFD Director affirms the ALJ's decision, at which point it becomes final, the CSSA shall determine the eligibility and benefit level of the household in the same manner it would be determined for any other household. For example, if the misstatement or action for which the household member is suspected of an IPV does not affect the household's current circumstances, the household would continue to receive its allotment based upon the latest certification action or be recertified based on a new application and its current circumstances;

ii. The household's benefits shall be terminated if the certification period has expired and the household, after receiving its notice of expiration, fails to reapply. The CSSA shall also terminate or reduce the household's benefits if the CSSA has documentation which substantiates that the household is ineligible or eligible for fewer benefits (even if these facts led to the suspicion of an IPV and the resulting disqualification hearing) and the household fails to request a fair hearing and continuation of benefits pending the hearing. For example, the CSSA may have facts which substantiate that a household failed to report a change in its circumstances, in accordance with *N.J.A.C. 10:87-9.5*, even though the CSSA has not yet demonstrated that the failure to report involved an IPV.

6. The ALJ shall base the determination of an IPV on clear and convincing evidence which demonstrates that the household member(s) committed, and intended to commit, an IPV as defined at *N.J.A.C. 10:87-11.3*.

7. Policies on the imposition of disqualification penalties are as follows:

i. If the final hearing decision, as affirmed by the DFD Director, has found that the individual has committed an IPV, the household member shall be disqualified in accordance with the disqualification period and procedures specified at *N.J.A.C. 10:87-11.2*. The same act of an IPV repeated over a period of time shall not be separated so that separate penalties can be imposed;

ii. No further administrative appeal procedure exists after an IPV hearing. The determination of an IPV made by a disqualification arising from a final hearing decision cannot be reversed by a subsequent fair hearing decision. The household member, however, is entitled to seek relief in a court having appropriate jurisdiction. The period of disqualification may be subject to stay by a court of appropriate jurisdiction or other injunctive remedy;

iii. Once a disqualification penalty has been imposed against a currently participating household member, the period of disqualification shall continue uninterrupted until completed, regardless of the eligibility of the disqualified member's household. However, the disqualified member's household shall continue to be responsible for repayment of the overissuance which resulted from the disqualified member's IPV, regardless of its eligibility for program benefits.

8. Procedures for notification of hearing decision are as follows:

i. If the final hearing decision, as affirmed by the DFD Director, finds that the household member did not commit an IPV, DFD shall provide a written notice that informs the household of the decision.

ii. If the final hearing decision, as affirmed by the DFD Director, finds that the household member committed an IPV, DFD shall provide written notice to the household member, as well as to the CSSA, prior to disqualification. The notice shall inform the household member of the decision and the reason for the decision. In addition, the CSSA shall send a notice that informs the household member of the date the disqualification shall take effect. The CSSA shall also provide written notice to the remaining household members, if any, of either the allotment they will

receive during the period of disqualification or that they must reapply because the certification period has expired. The procedures for handling the income and resources of the disqualified member are described at *N.J.A.C. 10:87-7.7(b)*. A written demand letter for restitution, as described at *N.J.A.C. 10:87-11.20(i)*, shall also be provided.

History

HISTORY:

As amended, R.1983 d.224, effective May 31, 1983.

See: 15 N.J.R. 633(a), 15 N.J.R. 1034(a).

Originally adopted as an Emergency Rule, R.1983 d.117, effective March 31, 1983, operative April 1, 1983. The amendments are pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

Section formerly definition of fraud deleted in entirety.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Recodified from 11.2.

Repeal and New Rule, R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Section was "Definition of intentional program violation".

Administrative change.

See: *44 N.J.R. 1529(a)*.

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§ 10:87-11.6 Waived hearings

(a) Accused individuals shall have the option to waive their rights to an administrative disqualification hearing. The procedures shall conform with the requirements outlined below:

1. The CSSA shall provide written notification to the household member suspected of an IPV that the member can waive his or her right to an administrative disqualification hearing. Prior to providing this written notification to the household member, the CSSA shall ensure that the evidence against the household member is reviewed by someone other than the eligibility worker assigned to the accused individual's household and a decision is obtained that such evidence warrants scheduling a disqualification hearing.

i. The written notification provided to the household member which informs him or her of the possibility of waiving the administrative disqualification hearing shall include, at a minimum the following:

(1) The date that the signed waiver must be received by the CSSA to avoid the holding of a hearing and a signature block for the accused individual, along with the statement that the head of household must also sign the waiver if the accused individual is not the head of household, with an appropriately designated signature block;

(2) A statement of the accused individual's right to remain silent concerning the charge(s), and that anything said or signed by the individual concerning the charge(s) can be used against him or her in a court of law;

(3) The fact that a waiver of the disqualification hearing shall result in disqualification and a reduction in benefits for the period of disqualification, even if the accused individual does not admit to the facts as presented by the CSSA;

(4) An opportunity for the accused individual to specify whether or not he or she admits to the facts as presented by the CSSA;

(5) The telephone number and, if possible, the name of the person to contact for additional information; and

(6) The fact that the remaining household members, including an alien sponsor, if appropriate, and an authorized representative, if any, will be held responsible for repayment of the resulting claim.

ii. If the household member is notified of the possibility of waiving his or her right to an administrative disqualification hearing before the CSSA has scheduled a hearing, the CSSA is not required to notify the household member of the date, time and place of the hearing at that point.

2. If the household member suspected of an IPV signs the waiver of right to an administrative disqualification hearing and the signed waiver is received within the time frame specified at (a)1i(1) above, the household member shall be disqualified in accordance with the disqualification periods specified at *N.J.A.C. 10:87-11.2(a)*.

i. The period of disqualification shall begin with the first month which follows the date the household member receives written notification of the disqualification. However, if the act of IPV which led to the disqualification occurred prior to the written notification of the disqualification periods specified at *N.J.A.C. 10:87-11.2(a)*, the household member shall be disqualified in accordance with the disqualification periods in effect at the time of the offense. The same act of IPV repeated over a period of time shall not be separated so that separate penalties can be imposed.

ii. No further administrative appeal procedure exists after an individual waives his or her right to an administrative disqualification hearing and a disqualification penalty has been imposed. The disqualification penalty cannot be changed by a subsequent fair hearing decision. The household member, however, is entitled to seek relief in a court having appropriate jurisdiction or other injunctive remedy.

iii. Once a disqualification penalty has begun against a currently participating household member, the period of disqualification shall continue uninterrupted until completed, regardless of the eligibility of the disqualified member's household. However, the disqualified member's household shall continue to be responsible for repayment of the overissuance which resulted from the disqualified member's IPV, regardless of its eligibility for program benefits.

3. The CSSA shall provide written notice to the household member prior to disqualification. The CSSA shall also provide written notice to any remaining household members of the allotment they will receive during the period of disqualification or that they must reapply because the certification period has expired. The notice(s) shall conform to the requirements for notification of a hearing decision specified at *N.J.A.C. 10:87-11.5(a)*8. A written demand letter for restitution, as described at *N.J.A.C. 10:87-11.20(i)*, shall also be provided.

History

HISTORY:

As amended, R.1983 d.224, eff. May 31, 1983.

See: 15 N.J.R. 633(a), 15 N.J.R. 1034(a).

Originally adopted as an Emergency Rule, R.1983 d.117, eff. March 31, 1983, operative April 1, 1983. The amendments are pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

Entire text concerning fraud deleted and replaced.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Section recodified from 11.3. Cross reference changed from 11.2 to 11.5. The original section was reserved. The annotations to that section follow:

Repealed, R.1983 d.224, eff. May 31, 1983.

See: 15 N.J.R. 633(a), 15 N.J.R. 1034(a).

Originally adopted as an Emergency Rule, R.1983 d.117, eff. March 31, 1983, operative April 1, 1983. The amendments are pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

Originally contained rules concerning criteria for determining fraud.

Repeal and New Rule, R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Section was "Administrative disqualification".

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N.J.A.C. 10:87-11.7

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 87. NEW JERSEY SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (NJ SNAP) MANUAL > SUBCHAPTER 11. INCORRECT ISSUANCE

§ 10:87-11.7 Court-imposed disqualification

(a) CSSAs are encouraged to refer for prosecution under State statutes those individuals suspected of committing an IPV, particularly if large amounts of NJ SNAP benefits are suspected of being obtained by acts of IPV or if the individual is suspected of committing more than one act of IPV.

(b) The CSSA shall confer with its legal representative to determine the types of cases that will be accepted for possible prosecution.

(c) The CSSA shall also encourage prosecutors to recommend to the courts that a disqualification penalty as provided at section 6(b) of the Food and Nutrition Act of 2008 (*7 U.S.C. §§ 2011* et seq.) be imposed in addition to any other civil or criminal penalties for such violations.

1. If the court does not impose a disqualification period, the CSSA shall impose the appropriate disqualification period, unless contrary to the court order.

2. If disqualification is ordered but a date for initiating the disqualification period is not specified, the CSSA shall initiate the disqualification period for currently eligible individuals within 45 days of the date the disqualification was ordered. Any other court-imposed disqualification shall begin within 45 days of the date the court found a currently eligible individual guilty of civil or criminal misrepresentation or fraud.

3. Once a disqualification penalty has been imposed against a currently participating household member, the period of disqualification shall continue uninterrupted until completed, regardless of the eligibility of the disqualified member's household. However, the disqualified member's household shall continue to be responsible for repayment of the overissuance which resulted from the disqualified member's IPV regardless of its eligibility for program benefits.

(d) If the court finds that the household member committed an IPV, the CSSA shall provide written notice to the household member. The notice shall be provided prior to disqualification, whenever possible. The notice shall inform the household member of the disqualification and the date the disqualification shall take effect. The CSSA shall also provide written notice to the remaining household members, if any, of the allotment they will receive during the period of disqualification or that they must reapply because the

certification period has expired. In addition, the CSSA shall provide the written demand letter for restitution.

History

HISTORY:

As amended, R.1983 d.224, effective May 31, 1983.

See: 15 N.J.R. 633(a), 15 N.J.R. 1034(a).

Originally adopted as an Emergency Rule, R.1983 d.117, effective March 31, 1983, operative April 1, 1983. The amendments are pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

References to fraud deleted; references to hearing officers deleted and replaced by references to Office of Administrative Law procedures.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Recodified from 11.4 with amendments to (j), (k) and (m).

Amended by R.1994 d.42, effective January 18, 1994.

See: 25 N.J.R. 4697(b), 26 N.J.R. 377(a).

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (f)1vi, substituted a reference to 12-month disqualifications for a reference to six-month disqualifications, and substituted a reference to 12-month disqualifications for a reference to 24-month disqualifications.

Repeal and New Rule, R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Section was "Administrative disqualification hearing procedures".

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

In (a), substituted "food stamp benefits" for "food stamps".

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

Section was "Court imposed disqualification". In (a), substituted "NJ SNAP" for "food stamp"; and in the introductory paragraph of (c), substituted "Food and Nutrition Act of 2008 (*7 U.S.C. §§ 2011* et seq.)" for "Food Stamp Act (*7 U.S.C. § 2015*)".

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§ 10:87-11.8 Deferred adjudication

(a) Individuals accused of an IPV which are referred to a court of appropriate jurisdiction but for which no determination of guilt is obtained due to the accused individual having met the terms of a court order or which were not prosecuted due to the accused individual having met the terms of an agreement with the prosecutor, shall be allowed to sign a disqualification consent agreement. The CSSA shall make arrangements with the county prosecutors to provide advance written notification to the household member of the consequences of consenting to disqualification as a result of deferred adjudication and to include the disqualification consent agreement in agreements between the prosecutors and the accused individuals or in the court orders.

(b) The advance notice and agreement shall include, at a minimum, the following:

1. A statement for the accused individual to sign that the accused individual understands the consequences of consenting to disqualification, along with a statement that the head of household must also sign the consent agreement if the accused individual is not the head of household, with an appropriately designated signature block;

2. A statement that consenting to disqualification shall result in disqualification and a reduction in benefits for the period of disqualification, even though the accused individual was not found guilty of civil or criminal misrepresentation or fraud;

3. A warning that the disqualification penalties for intentional program violation under the NJ SNAP program which could be imposed are a 12-month disqualification for the first violation, 24-month disqualification for the second violation, and permanent disqualification for the third violation, and a statement of which penalty will be imposed as a result of the accused individual having consented to disqualification; and

4. A statement of the fact that the remaining household members, if any, shall be held responsible for repayment of the resulting claim, unless the accused individual has already repaid the claim as a result of meeting the terms of the agreement with the prosecutor or the court order.

(c) If the individual suspected of an IPV signs the disqualification consent agreement, he or she shall be disqualified in accordance with the disqualification periods specified at *N.J.A.C. 10:87-11.2*, unless contrary to the court order. The period of disqualification shall

begin within 45 days of the date the household member signed the disqualification consent agreement. However, if the court imposes a disqualification period or specifies a date for initiating the disqualification period, the CSSA shall disqualify the household member in accordance with the court order.

1. Once a disqualified penalty has been imposed against a currently participating household member, the period of disqualification shall continue uninterrupted until completed regardless of the eligibility of the disqualified member's household. However, the disqualified member's household shall continue to be responsible for repayment of the overissuance which resulted from the disqualified member's IPV, regardless of its eligibility for program benefits.

(d) If the household member suspected of an IPV signs the disqualification consent agreement, the CSSA shall provide written notice to the household member. The notice shall be provided prior to the disqualification, whenever possible. The notice shall inform the household member of the disqualification and the date the disqualification shall take effect. The CSSA shall also provide written notice to the remaining household members, if any, of the allotment they will receive during the period of disqualification or that they must reapply because the certification period has expired. In addition, the CSSA shall provide the written demand letter for restitution.

History

HISTORY:

As amended, R.1983 d.224, effective May 31, 1983.

See: 15 N.J.R. 633(a), 15 N.J.R. 1034(a).

Originally adopted as an Emergency Rule, R.1983 d.117, effective March 31, 1983, operative April 1, 1983. The amendments are pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

References to "fraud" deleted and replaced by "intentional program violation".

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Recodified from 11.4.

Repeal and New Rule, R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Section was "Participation while awaiting a hearing".

Administrative change.

See: *44 N.J.R. 1529(a)*.

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§ 10:87-11.9 Reporting requirements

(a) The CSSA shall report to USDA information concerning individuals disqualified for IPV, including those individuals disqualified based on the determination of a final administrative disqualification hearing decision or a court of appropriate jurisdiction and those individuals disqualified as a result of signing either a waiver of right to a disqualification hearing or a disqualification consent agreement in cases referred for prosecution.

(b) CSSAs shall report information concerning each individual disqualified for IPV in a format known as the Disqualified Recipient System (DRS). This format shall include the individual's Social Security number, date of birth, full name, type of offense, number of the disqualification (1st, 2nd or 3rd), the State and county in which the disqualification took place, the date on which the disqualification took effect and the length of the disqualification period imposed.

(c) The CSSA shall submit the required information on each individual disqualified for IPV through DFD's reporting system.

(d) All the data submitted by State agencies concerning individuals disqualified for IPV will be available for use by any New Jersey State agency or CSSA. CSSAs shall, at a minimum, use the data for the following:

1. To determine the eligibility of individual program applicants prior to certification in cases where the CSSA has reason to believe a household member is subject to disqualification in another political jurisdiction;

2. To ascertain the appropriate penalty to impose, based on past disqualifications, in a case under consideration; and

3. To use this data in other ways, such as to screen all program applicants prior to certification and/or to periodically match the entire list of disqualified individuals against current caseloads.

(e) The disqualification of an individual for IPV in one political jurisdiction shall be valid in another. However, one or more IPVs which occurred prior to April 1, 1983, shall be considered as only one previous disqualification when determining the appropriate penalty to impose in a case under consideration, regardless of where the disqualification(s) took place. CSSAs are required to identify any individuals disqualified

for fraud prior to implementation of this rule and to submit the information required by this section on such individuals.

(f) In cases where the disqualification for an IPV is reversed by a court of appropriate jurisdiction, the CSSA shall submit a report to purge the file of the information relating to the disqualification which was reversed.

History

HISTORY:

As amended, R.1983 d.224, effective May 31, 1983.

See: 15 N.J.R. 633(a), 15 N.J.R. 1034(a).

Originally adopted as an Emergency Rule, R.1983 d.117, effective March 31, 1983, operative April 1, 1983. The amendments are pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

"Director of the CWA" replaced by "administrative law judge".

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Recodified from 11.7.

Repealed by R.1994 d.42, effective January 18, 1994.

See: 25 N.J.R. 4697(b), 26 N.J.R. 377(a).

Section was "Decision format".

Repeal and New Rule, R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Section was "Reserved".

Amended by R.2009 d.94, effective March 16, 2009.

See: *40 N.J.R. 5932(a)*, *41 N.J.R. 1245(b)*.

In (a), substituted "USDA" for "DFD" and deleted the last sentence; and in (b), substituted "CWAs" for "DFD".

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N.J.A.C. 10:87-11.10

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 87. NEW JERSEY SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (NJ SNAP) MANUAL > SUBCHAPTER 11. INCORRECT ISSUANCE

§ 10:87-11.10 Reverse disqualifications

In cases where the determination of an IPV is reversed by a court of appropriate jurisdiction, the CSSA shall reinstate the individual in the program if the household is eligible. The CSSA shall restore benefits that were lost as a result of the disqualification in accordance with the procedures specified at *N.J.A.C. 10:87-11.16*.

History

HISTORY:

As amended, R.1983 d.224, effective May 31, 1983.

See: 15 N.J.R. 633(a), 15 N.J.R. 1034(a).

Originally adopted as an Emergency Rule, R.1983 d.117, effective March 31, 1983, operative April 1, 1983. The amendments are pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

Rules concerning appeals after CWA hearings deleted and replaced.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Recodified from 11.8.

Repeal and New Rule, R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Section was "No further administrative appeal".

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N.J.A.C. 10:87-11.11

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§ 10:87-11.11 Restoration of lost benefits

The CSSA shall restore to the household benefits which were lost whenever the loss was caused by an error by the CSSA. Additionally, the CSSA shall restore lost benefits when this Manual specifically states that the household is entitled to restoration of lost benefits or an intentional program violation disqualification was subsequently reversed as specified by *N.J.A.C. 10:87-11.10*. In SSI jointly processed cases the CSSA shall restore to the household benefits which were lost whenever the loss was caused by an error by the CSSA or by the SSA/DO. Such an error shall include, but not be limited to, the loss of an applicant's NJ SNAP application after it has been filed with the SSA/DO. Benefits shall be restored even if the household is currently ineligible. The CSSA shall maintain an accounting system for documenting a household's entitlement to restoration of lost benefits and for recording the balance of lost benefits that must be restored to the household. The CSSA shall, at a minimum, document how the amount to be restored was calculated and the reason for restoration. The accounting system shall be designed to readily identify those situations where a claim against a household can be used to offset the amount to be restored.

History

HISTORY:

As amended, R.1983 d.224, effective May 31, 1983.

See: 15 N.J.R. 633(a), 15 N.J.R. 1034(a).

Originally adopted as an Emergency Rule, R.1983 d.117, effective March 31, 1983, operative April 1, 1983. The amendments are pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

References to "fraud" deleted and replaced with "intentional program violation"; in absence of court order, CWA to impose disqualification.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Recodified and substantially amended from 11.9.

Recodified from *N.J.A.C. 10:87-11.13* and amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Amended the N.J.A.C. reference in the second paragraph. Former 10:87-11.11, Court imposed disqualifications, repealed.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-11.12

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 57 No. 19, October 6, 2025

§ 10:87-11.12 Period of restoration

(a) Benefits shall be restored for a period of not more than 12 months prior to whichever of the following occurred first:

1. The date the CSSA was notified by the household or by another person or agency in writing or orally of the possible loss to that specific household;

2. The date the CSSA discovers in the normal course of business that a loss to a specific household has occurred; or

3. The date the CSSA receives a request for restoration of lost benefits from a household.

(b) The CSSA shall restore benefits to households which were found by any judicial action to have been wrongfully withheld. If the judicial action is the first action the recipient has taken to obtain restoration of lost benefits, then benefits shall be restored for a period of not more than 12 months from the date the court action was initiated. When the court action is a review of a CSSA action, benefits shall be restored for a period of not more than 12 months from the date the court action was initiated. When a court action is a review of a CSSA action, benefits shall be restored for a period of not more than 12 months from the earliest of the following dates:

1. The date the CSSA received a request for restoration; or

2. If no request for restoration is received, the date the fair hearing action was initiated.

(c) In no case shall benefits be restored for more than one year prior to the date the CSSA is notified of or discovers the loss.

History

HISTORY:

As amended, R.1983 d.224, effective May 31, 1983.

See: 15 N.J.R. 633(a), 15 N.J.R. 1034(a).

Originally adopted as an Emergency Rule, R.1983 d.117, effective March 31, 1983, operative April 1, 1983. The amendments are pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

Reference to "fraud" replaced by "intentional program violation".

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Recodified with amendments from 11.10.

Recodified from *N.J.A.C. 10:87-11.14* and amended by R.2004 d. 181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Deleted introductory phrases throughout. Former *N.J.A.C. 10:87-11.12*, reversed intentional program violation disqualifications, repealed.

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N.J.A.C. 10:87-11.13

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 87. NEW JERSEY SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (NJ SNAP) MANUAL > SUBCHAPTER 11. INCORRECT ISSUANCE

§ 10:87-11.13 Errors discovered by the CSSA

(a) If the CSSA determines that a loss of benefits has occurred, and the household is entitled to restoration of those benefits, the CSSA shall automatically take action to restore any benefits that were lost. No action by the household is necessary.

(b) Benefits shall not be restored if the benefits were lost more than 12 months prior to the date the loss was discovered by the CSSA in the normal course of business, or were lost more than 12 months prior to the date the CSSA was notified in writing or orally of a possible loss to a specific household.

(c) The CSSA shall notify the household of its entitlement, the amount of benefits to be restored, any offsetting that was done, the method of restoration, and the right to appeal through the fair hearing process if the household disagrees with any aspect of the proposed lost benefit restoration.

History

HISTORY:

As amended, R.1983 d.224, effective May 31, 1983.

See: 15 N.J.R. 633(a), 15 N.J.R. 1034(a).

Originally adopted as an Emergency Rule, R.1983 d.117, effective March 31, 1983, operative April 1, 1983. The amendments are pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

Reference to "fraud" replaced by "intentional program violation".

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Recodified with amendments from 11.11.

Recodified from *N.J.A.C. 10:87-11.15* and amended by R.2004 d. 181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Deleted introductory phrases in (b) and (c). Former *N.J.A.C. 10:87-11.13*, Restoration of lost benefits, recodified to *N.J.A.C. 10:87-11.11*.

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N.J.A.C. 10:87-11.14

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§ 10:87-11.14 Disputed benefits

(a) If the CSSA determines that a household is entitled to restoration of lost benefits, but the household does not agree with the amount to be restored as calculated by the CSSA or any other action taken by the CSSA to restore lost benefits, the household may request a fair hearing within 90 days of the date the household is notified of its entitlement to restoration of lost benefits. If a fair hearing is requested prior to or during the time lost benefits are being restored, the household shall receive the lost benefits as determined by the CSSA pending the results of the fair hearing. If the hearing decision is favorable to the household, the CSSA shall restore the lost benefits in accordance with that decision.

(b) If a household believes it is entitled to restoration of lost benefits but the CSSA, after reviewing the case record, does not agree, the household has 90 days from the date of the CSSA determination to request a fair hearing. The CSSA shall restore lost benefits to the household only if the fair hearing decision is favorable to the household. Benefits lost more than 12 months prior to the date the CSSA was initially informed of the household's possible entitlement to lost benefits shall not be restored.

History

HISTORY:

As amended, R.1983 d.224, effective May 31, 1983.

See: 15 N.J.R. 633(a), 15 N.J.R. 1034(a).

Originally adopted as an Emergency Rule, R.1983 d.117, effective March 31, 1983, operative April 1, 1983. The amendments are pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

"Fraud" replaced by "intentional program violation".

As amended, R.1984 d.68, effective March 19, 1984.

See: 15 N.J.R. 2134(b), 16 N.J.R. 550(a).

(a) deleted and replaced; (b) and (c) added.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Recodified from 11.12.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Recodified from 11.14.

Recodified from *N.J.A.C. 10:87-11.16* by R.2004 d. 181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Former *N.J.A.C. 10:87-11.14*, Period of restoration, recodified to *N.J.A.C. 10:87-11.12*.

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N.J.A.C. 10:87-11.15

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§ 10:87-11.15 Computing amount to be restored

(a) After correcting the loss for future months and excluding those months for which benefits may have been lost prior to the 12-month time limits described at *N.J.A.C. 10:87-11.12*, the CSSA shall calculate the amount to be restored as follows:

1. If the household was eligible but received an incorrect allotment, the loss of benefits shall be calculated only for those months the household participated in the program.

2. If the loss was caused by an incorrect delay, denial or termination of benefits, the months affected by the loss shall be calculated as follows:

i. If an eligible household's application was erroneously denied, the month the loss initially occurred shall be the month of application, or for an eligible household filing a timely reapplication, the month following the expiration of its certification period.

ii. If an eligible household's application was delayed, the months for which benefits are lost shall be calculated in accordance with procedures at *N.J.A.C. 10:87-2.27* for determining whether the delay was caused by the household or by the CSSA.

iii. If a household's benefits were erroneously terminated, the month the loss initially occurred shall be the first month benefits were not received as a result of the erroneous action.

iv. After computing the date the loss initially occurred, the loss shall be calculated for each month subsequent to that date until either the first month the error is corrected or the first month the household is found ineligible.

(b) For each month affected by the loss, the CSSA shall determine if the household was actually eligible. In cases where there is no information in the household's case record to document that the household was actually eligible, the CSSA shall advise that household of what information must be provided to demonstrate eligibility for these months. For each month the household cannot provide the necessary information to demonstrate its eligibility, the household shall be considered ineligible.

(c) For the months the household was eligible, the CSSA shall calculate the allotment the household should have received. If the household received a smaller allotment than it

was eligible to receive, the difference between the actual and correct allotment equals the amount to be restored.

(d) If a claim against a household is unpaid or held in suspense, the amount to be restored shall be offset against the amount due on the claim before any restoration is made to the household. At the point in time when the household is certified and receives an initial allotment, the initial allotment shall not be reduced to offset claims, even if the initial allotment is paid retroactively. Similarly, initial allotments given at recertification shall not be reduced to offset claims.

History

HISTORY:

As amended, R.1979 d.422, effective October 18, 1979.

See: 11 N.J.R. 379(a), 11 N.J.R. 559(d).

As amended, R.1983 d.224, effective May 31, 1983.

See: 15 N.J.R. 633(a), 15 N.J.R. 1034(a).

Originally adopted as an Emergency Rule, R.1983 d.117, effective March 31, 1983, operative April 1, 1983. The amendments are pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

Reference to N.J.A.C. cites added, offsetting of claims expanded.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Recodified with amendments from 11.15.

As amended, R.1984 d.68, effective March 19, 1984.

See: 15 N.J.R. 2134(b), 16 N.J.R. 550(a).

The word "month" replaced by "date".

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Recodified with amendments from 11.13.

Recodified from *N.J.A.C. 10:87-11.17* and amended by R.2004 d. 181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Deleted introductory phrases throughout; in (a), amended N.J.A.C. references throughout. Former *N.J.A.C. 10:87-11.15*, Errors discovered by the CWA, recodified to *N.J.A.C. 10:87-11.13*.

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N.J.A.C. 10:87-11.16

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§ 10:87-11.16 Individuals disqualified for intentional program violation

(a) Individuals disqualified for intentional program violation are entitled to restoration of any benefits lost during the months they were disqualified, not to exceed 12 months prior to the date of CSSA notification, only if the decision which resulted in disqualification is subsequently overturned or reversed. For example, an individual would not be entitled to restoration of lost benefits for the period he or she was disqualified based solely on the fact that a criminal conviction could not be obtained, unless the individual successfully challenged the disqualification in a separate court action.

(b) For each month the individual was disqualified, the amount to be restored, if any, shall be determined by comparing the allotment the household received with the allotment the household would have received had the disqualified member been allowed to participate. If the household received a smaller allotment than it should have received, the difference equals the amount to be restored. Benefits shall not be restored for a period of more than 12 months prior to CSSA notification. Participation in an administrative disqualification hearing in which the household contests the CSSA assertion of intentional program violation shall be considered notification that the household is requesting that benefits be restored.

History

HISTORY:

As amended, R.1983 d.224, effective May 31, 1983.

See: 15 N.J.R. 633(a), 15 N.J.R. 1034(a).

Originally adopted as an Emergency Rule, R.1983 d.117, effective March 31, 1983, operative April 1, 1983. The amendments are pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

"Fraud" replaced by "intentional program violation"; restriction or restoration added as lead-in.

As amended, R.1984 d.68, effective March 19, 1984.

See: 15 N.J.R. 2134(b), 16 N.J.R. 550(a).

Restrictions of not more than 12 months of restoration and disqualification.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Recodified from 11.16.

Recodified from *N.J.A.C. 10:87-11.18* and amended by R.2004 d. 181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Deleted introductory phrases throughout.

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N.J.A.C. 10:87-11.17

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§ 10:87-11.17 Method of restoration

(a) Regardless of whether a household is currently eligible or ineligible, the CSSA shall restore lost benefits to a household by issuing an allotment equal to the amount of benefits that were lost. The amount restored shall be issued in addition to the allotment currently eligible households are entitled to receive.

(b) The CSSA shall honor reasonable requests by households to restore lost benefits in monthly installments if, for example, the household fears that the amount to be restored is more than it can use in a reasonable period of time.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Recodified from 11.17.

Recodified from *N.J.A.C. 10:87-11.19* and amended by R.2004 d. 181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote (b). Former *N.J.A.C. 10:87-11.17*, Computing amount to be restored, recodified to *N.J.A.C. 10:87-11.15*.

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§ 10:87-11.18 Change in household composition

Whenever lost benefits are due a household and the household's membership has changed, the CSSA shall restore the lost benefits to the household containing a majority of the individuals who were household members at the time the loss occurred. If the CSSA cannot locate or determine the household which contains a majority of the household members the CSSA shall restore the lost benefits to the household containing the individual who was head of the household (see *N.J.A.C. 10:87-2.6*) at the time the loss occurred.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Recodified from 11.18.

Recodified from *N.J.A.C. 10:87-11.20* and amended by R.2004 d. 181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Substituted "loss" for "error" in the last sentence. Former *N.J.A.C. 10:87-11.18*, Individuals disqualified for intentional program violation, recodified to *N.J.A.C. 10:87-11.16*.

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N.J.A.C. 10:87-11.19

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§ 10:87-11.19 Federally mandated reduction or cancellation of benefits

Households whose allotments are reduced or cancelled as a result of a Federal mandate are not entitled to a restoration of lost benefits unless DFD, upon notification by USDA/FNS, specifically authorizes such restoration.

History

HISTORY:

As amended, R.1981 d.64, effective February 26, 1981.

See: 13 New Jersey Register 226(b).

As amended, R.1983 d.224, effective May 31, 1983.

See: 15 New Jersey Register 633(a), 15 New Jersey Register 1034(a).

Originally adopted as an Emergency Rule, R.1983 d.117, effective March 31, 1983, operative April 1, 1983.

The N.J.A.C. cite was recodified from 10:87-20A to 10:87-20, the text remained the same.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 New Jersey Register 2689(a), 21 New Jersey Register 511(b).

Recodified from 11.20.

Recodified from *N.J.A.C. 10:87-11.22* and amended by R.2004 d. 181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Substituted "DFD" for "DPW" and "USDA/FNS" for "USDA". Former *N.J.A.C. 10:87-11.19*, Method of restoration, recodified to *N.J.A.C. 10:87-11.17*.

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N.J.A.C. 10:87-11.20

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§ 10:87-11.20 Claims against households

(a) A recipient claim is an amount owed because of benefits that are over paid or benefits that are trafficked.

(b) Recipient claims are Federal debts subject to *7 CFR 273.18* and other regulations governing Federal debts. The CSSA shall establish and collect any claim by following the rules of this subchapter.

(c) The CSSA shall have procedures for establishing and collecting claims that provide orderly claims processing and result in claims collections similar to recent national rates of collection. If the CSSA does not meet State standards, it must take corrective action to correct any deficiencies in its procedures.

(d) The following are responsible for paying a claim:

1. Each person who was an adult member of the household when the overpayment or trafficking occurred;

2. A sponsor of an alien household member if the sponsor is at fault; or

3. A person connected to the household, such as an authorized representative, who actually trafficks or otherwise causes an overpayment or trafficking.

(e) There are three types of claims:

1. An IPV claim is any claim for an overpayment or trafficking resulting from an individual committing an IPV. An IPV is defined at *N.J.A.C. 10:87-11.3*.

2. An Inadvertent Household Error (IHE) claim is any claim for an overpayment resulting from a misunderstanding or unintended error on the part of the household.

3. An Agency Error (AE) claim is any claim for an overpayment caused by an action or failure to take action by the CSSA.

(f) The process for calculating the claim amount on the following types of claims is as follows:

1. Claims not related to trafficking are as follows:

i. The CSSA shall calculate a claim back to at least 12 months prior to when it becomes aware of the overpayment. For an IPV claim, the claim shall be calculated back to the month the act of IPV first occurred. For all claims, do not

include any amounts that occurred more than six years before the CSSA became aware of the overpayment.

ii. The actual steps for calculating a claim are as follows:

(1) The CSSA shall determine the correct amount of benefits for each month that a household received an overpayment.

(2) Do not apply the earned income deduction to that part of any earned income that the household failed to report in a timely manner when this act is the basis for the claim. However, if the claim is an AE claim, the earned income deduction is applied.

(3) Subtract the correct amount of benefits from the benefits actually received. The answer is the amount of the overpayment. Unless this answer is zero or negative, dispose of the claim referral.

(4) Reduce the overpayment amount by any Electronic Benefit Transfer (EBT) benefits expunged from the household's EBT account. The difference is the amount of the claim. Unless there are expunged benefits that the CSSA is not aware of, the amount of the overpayment calculated at (f)1ii(3) above is the amount of the claim.

2. Claims related to trafficking are as follows:

i. Claims arising from trafficking related offenses will be the value of the trafficked benefits as determined by:

(1) The individual's admission;

(2) Adjudication; or

(3) The documentation that forms the basis for the trafficking determination.

(g) The CSSA shall establish a claim before the last day of the quarter following the quarter in which the overpayment or trafficking incident was discovered. The CSSA shall ensure that no less than 90 percent of all claim referrals are either established or disposed of according to this timeframe.

1. The CSSA shall establish a claim even if the claim cannot be established within the timeframe outlined in this subsection.

(h) Rules on initiating collection action and claims are as follows:

1. The CSSA shall begin collection action on all claims unless the conditions at (h)2i below apply.

2. The CSSA shall not pursue an overpayment that is not cost effective. The following procedure shall be used in determining cost effectiveness.

i. The CSSA shall not establish any claim if it determines that the claim referral is $ 125.00 or less. However, if the household is currently participating in the program, or the CSSA already established the claim or discovered the overpayment in a quality control review, the $ 125.00 limit does not apply.

(i) Rules on notification of a claim are as follows:

1. The CSSA shall mail or otherwise deliver to the household written notification, using the applicable Important Notice to Repay Overissued NJ SNAP benefits form, to begin collection action on any claim.

2. The claim shall be considered established for tracking purposes as of the date the initial demand letter or written notification has been mailed or delivered.

3. If the claim or the amount of the claim was not established at a hearing, the CSSA shall provide the household with a one-time notice of adverse action. The notice of adverse action may either be sent separately or as part of the demand letter.

4. The initial demand letter or notice of adverse action shall include language stating:

i. The amount of the claim;

ii. The intent to collect from all adults in the household when the overpayment occurred;

iii. The type (IPV, IHE, AE or similar language) and reason for the claim;

iv. The time period associated with the claim;

v. How the claim was calculated;

vi. Phone number to call for more information about the claim;

vii. That, if the claim is not paid, it shall be sent to other collection agencies who will use various collection methods to collect the claim;

viii. The opportunity to inspect and copy records related to the claim;

ix. Unless the amount of the claim was established at a hearing, the opportunity for a fair hearing on the decision related to the claim. The household shall have 90 days to request a fair hearing;

x. That, if not paid, the claim shall be referred to the Federal government for Federal collection action;

xi. That the household can make a written agreement to repay the amount of the claim prior to it being referred for Federal collection action;

xii. That, if the claim becomes delinquent, the household may be subject to additional processing charges;

xiii. That the CSSA may reduce any part of the claim if the agency believes that the household is not able to repay the claim;

xiv. A due date or time frame to either repay or make arrangements to repay the claim, unless the CSSA is to impose allotment reduction; and

xv. If allotment reduction is to be imposed, a due date or timeframe to either repay, or make arrangements to repay, the claim in the event that the household stops receiving benefits.

5. The due date or time frame for repayment shall be not later than 30 days after the date of the initial written notification or demand letter.

6. Subsequent demand letters or notices shall be sent in accordance with *N.J.A.C. 10:87-11.21(a)*1.

(j) Rules on repayment agreements are as follows:

1. Any repayment agreement for any claim shall contain due dates or time frames for the periodic submission of payments.

2. The agreement shall specify that the household shall be subject to involuntary collection action(s) if payment is not received by the due date and the claim becomes delinquent.

(k) Rules on determining delinquency are as follows:

1. Unless specified at (k)4 below, a claim must be considered delinquent if:

i. The claim has not been paid by the due date and a satisfactory payment arrangement has not been made; or

ii. A payment arrangement has been established and a scheduled payment has not been made by the due date.

2. The date of delinquency for a claim covered at (k)1i above is the due date on the initial written notification/demand letter. The claim shall remain delinquent until payment is received in full, a satisfactory payment agreement is negotiated, or allotment reduction is invoked.

3. The date of delinquency for a claim covered at (k)1ii above is the due date of the missed installment payment, unless the claim was delinquent prior to entering into a repayment agreement, in which case the due date will be the due date on the initial notification/demand letter. The claim shall remain delinquent until payment is received in full, allotment reduction is invoked, or if the CSSA determines to either resume or renegotiate the payment schedule.

4. A claim shall not be considered delinquent if another claim for the same household is currently being paid either through an installment agreement or allotment reduction and the CSSA expects to begin collection on the claim once the prior claim(s) is settled.

5. A claim is not subject to the requirements for delinquent debts if the CSSA is unable to determine delinquency status because collection is coordinated through the court system.

(l) Rules concerning fair hearings and claims are as follows:

1. A claim awaiting a fair hearing decision shall not be considered delinquent.

2. If the final hearing decision, affirmed by the DFD Director, finds that a claim does, in fact, exist against the household, the household shall be re-notified of the claim. The demand for payment may be combined with the notice of the hearing decision. Delinquency shall be based on the due date of the subsequent notice and not on the initial prehearing demand letter sent to the household.

3. If the final hearing decision, affirmed by the DFD Director, finds that a claim does not exist, the claim is disposed of in accordance with (n) below.

(m) Rules on compromising claims are as follows:

1. The CSSA may compromise a claim or any portion of a claim if it can be reasonably determined that a household's economic circumstances dictate that the claim will not be paid in three years.

2. The CSSA may use the full amount of the claim (including any amount compromised) to offset benefits in accordance with *N.J.A.C. 10:87-11.15(d)* and (p)3 below.

3. The CSSA shall reinstate any compromised portion of a claim if the claim becomes delinquent.

(n) Rules on terminating and writing-off claims are as follows:

1. A terminated claim is a claim in which all collection action has ceased. A written-off claim is no longer considered a receivable subject to continued Federal, State and county collection and reporting requirements.

2. The claim termination procedures are as follows:

i. If the CSSA finds that the claim is invalid, the CSSA shall discharge the claim and reflect the event as a balance adjustment rather than a termination. However, if it is appropriate to pursue the overpayment as a different type of claim (for example, as an IHE rather than an IPV claim), the CSSA shall not discharge the claim.

ii. If all adult household members die, the CSSA shall terminate and write-off the claim. The CSSA may, however, take action to pursue the claim against the estate.

iii. If the claim balance is $ 25.00 or less and the claim has been delinquent for 90 days or more, the CSSA shall terminate and write-off the claim. However, if other claims exist against this household resulting in an aggregate claim total of greater than $ 25.00, the claim shall not be written off.

iv. If the claim is delinquent for three years or more, the CSSA shall terminate and write-off the claim. The CSSA may, however, continue to pursue the claim through the Treasury Offset Program (TOP).

v. If the CSSA cannot locate the household, the CSSA shall terminate and write-off the claim.

vi. If, after a claim has been terminated and written-off, a new collection method or a specific event occurs (such as winning the lottery) that substantially increases the likelihood of further collections, the CSSA shall reinstate the claim.

(o) Acceptable forms of payment on claims are as follows:

1. The CSSA may collect a claim by:

i. Reducing benefits prior to issuance. This includes allotment reduction and offsets to restored benefits. However, the CSSA shall follow the instructions and limits found at (p)1 and 3 below;

ii. Reducing benefits after issuance. These are benefits from EBT accounts. However, the CSSA shall follow the instructions and limits found at (p)2 below;

iii. Accepting cash or any of its generally accepted equivalents. These equivalents include check, money order, and credit or debit cards. However, the CSSA does not have to accept credit or debit cards if it does not have the capability to accept these payments;

iv. Conducting own offsets and intercepts. This includes but is not limited to wage garnishments and intercepts of various State payments. These collections are considered "cash" for claim accounting and reporting purposes. However, the CSSA shall follow any limits that may apply at (p) below;

v. Requiring the household to perform public service. However, this form of payment shall be ordered by a court and specifically be in lieu of paying any claim; or

vi. Participating in the Treasury collection programs. However, the CSSA shall follow the procedures found at *N.J.A.C. 10:87-11.21*.

(p) Collection methods for claims are as follows:

1. Rules on allotment reduction are as follows:

i. The CSSA shall automatically collect payments for any claim by reducing the amount of monthly benefits that a household receives. Unless, the claim is being collected at regular intervals at a higher amount or another household is already having its allotment reduced for the same claim (see (p)1vi below).

ii. The CSSA shall, for an IPV claim, limit the amount reduced to the greater of $ 20.00 per month or 20 percent of the household's monthly allotment or entitlement, unless, the household agrees to a higher amount.

iii. The CSSA shall, for an IHE or AE claim, limit the amount reduced to the greater of $ 10.00 per month or 10 percent of the household's monthly allotment, unless, the household agrees to a higher amount.

iv. The CSSA shall not reduce the initial allotment when the household is first certified, unless, the household agrees to this reduction.

v. The CSSA shall not use additional involuntary collection methods against individuals in a household that is already having its benefits reduced, unless, the additional payment is voluntary; or the source of the payment is irregular or unexpected, such as a State tax refund or lottery winnings offset.

vi. The CSSA may collect, using allotment reduction, from two separate households for the same claim. However, the CSSA is not required to perform this simultaneous reduction.

vii. The CSSA may continue to use any other collection method against any individual who is not a current member of the household that is undergoing allotment reduction.

2. Rules on collecting benefits from EBT accounts are as follows:

i. The CSSA shall allow a household to pay its claim using benefits from its EBT account in accordance with *N.J.A.C. 10:88-6.2*. The CSSA shall comply with the following EBT claims collection and adjustment requirements:

(1) For collecting from active EBT benefits, the CSSA needs written permission, which may be obtained in advance and done in accordance with (p)2iii below; or oral permission for one time reductions with the CSSA sending the household a receipt of the transaction within 10 days. The retention rates described at (v) below apply to this collection.

(2) For collecting from expunged EBT benefits, the CSSA shall mail or otherwise deliver to the household, written notification that expunged benefits will be applied to any outstanding claim. The retention rates described at (v) below apply to this collection.

(3) For making an adjustment with expunged EBT benefits the CSSA shall adjust the amount of any claim by subtracting any expunged amount from the EBT benefit account which the CSSA becomes aware of. This adjustment can be done at any time. The retention rates described at (v) below do not apply to this balance adjustment.

ii. A collection from an EBT account shall be non-settling against the benefit drawdown account.

iii. At a minimum, any written agreement with the household to collect the claim using active EBT benefits shall include:

(1) A statement that this collection activity is strictly voluntary;

(2) The amount of the payment;

(3) The frequency of the payments (that is, whether monthly or one time only);

(4) The length (if any) of the agreement; and

(5) A statement that the household may revoke this agreement at any time.

3. The CSSA shall reduce any restored benefits owed to a household by the amount of any outstanding claim. This is called offsetting a claim and may be done at any time during the claim establishment and collection process.

4. The CSSA shall accept any payment for a claim whether it represents full or partial payment. The payment may be in any of the acceptable forms described at (*o*) above.

5. The CSSA may accept installment payments made for a claim as part of a negotiated repayment agreement. If the household fails to submit a payment in accordance with the terms of the negotiated repayment schedule, the claim becomes delinquent and it shall be subject to additional collection actions.

6. Contingent upon agreements established between DFD and the Department of Labor and Workforce Development, for inactive cases, the CSSA may intercept an individual's unemployment compensation benefits (UIB) by obtaining a court order. The CSSA shall report any intercept of UIB as "cash" payments to USDA.

7. If authorized by a court, the value of a claim may be paid by the household performing public service.

8. The CSSA may employ any other collection actions to collect claims. These actions include but are not limited to, referrals to collection and or other similar private and public sector agencies, State tax refund and lottery offsets, wage garnishments, property liens and small claims court.

9. Rules on unspecified joint collections are as follows:

i. When a CSSA receives an unspecified joint collection in which the NJ SNAP claim has been combined with one or more other program claims, the CSSA shall allocate the repayment to reflect the proportionate share of monies recovered for each program. Unspecified collections for more than one program are not to be assigned solely to the non-NJ SNAP program.

ii. The proportionate share is determined by what percentage is owed to each program (TANF, NJ SNAP and Medicaid). For example, where the client owes $ 1,000 to Medicaid, $ 500.00 to TANF and $ 500.00 to NJ SNAP, the shares are to reflect one-half of the monies returned to Medicaid, and one-quarter each respectively to TANF and the NJ SNAP program.

(q) No interest or court fees are to be applied to claims established due to the overissuance of or ineligibility for NJ SNAP benefits.

(r) Rules on refunds for overpaid claims are as follows:

1. If a household overpays a claim, the CSSA shall provide a refund for the overpaid amount as soon as possible after it finds out about the overpayment. The household shall be paid by whatever method the CSSA deems appropriate considering the circumstances.

2. The household is not entitled to a refund if the overpayment amount is attributed to an expunged EBT benefit.

(s) Policy on interstate claims collection is as follows:

1. Unless a transfer occurs as outlined at (s)2 and (t) below, the CSSA is responsible for initiating and continuing collection action on any NJ SNAP recipient claim regardless of whether the household remains in New Jersey.

2. The CSSA shall accept a claim from another state agency if the household with the claim moves into New Jersey. Once the CSSA accepts this responsibility, the claim is the CSSA's for future collection and reporting. CSSAs shall report interstate transfers in accordance with instructions provided by USDA/FNS.

(t) If a recipient moves from one county of residence to another county of residence within the State of New Jersey, the collection of an outstanding claim can be transferred to the new county upon mutual agreement.

(u) The CSSA shall act on behalf of, and as, USDA/FNS in any bankruptcy proceeding against any bankrupt households owing NJ SNAP claims. The CSSA shall possess rights, priorities, interests, liens or privileges, and shall participate in any distributions of

assets, to the same extent as USDA/FNS. Acting as USDA/FNS, the CSSA shall have the power and authority to file objections to discharge, proofs of claims, exceptions to discharge, petitions for revocation of discharge and any other documents, motions or objections that USDA/FNS might have filed. Any amounts collected under this authority shall be transmitted to the DFD as provided at (w) below.

(v) Retention rates for CSSA use are as provided in (v)1 through 4 below:

1. If the CSSA collects an IPV claim, the retention rate is 35 percent;

2. If the CSSA collects an IHE claim, the retention rate is 20 percent;

3. If the CSSA collects an IHE claim by reducing a person's unemployment compensation benefit, the retention rate is 35 percent;

4. If the CSSA collects an AE claim, the retention rate is zero; and

5. Retention rates do not apply to:

i. Any reduction in benefits when a household member is disqualified for an IPV;

ii. The value of court-ordered public services performed in lieu of the payment of a claim; or

iii. Payments made to a court that are not subsequently forwarded as payment of an established claim.

(w) Receipt and transmittal of collections are as follows:

1. The CSSA shall instruct the household to submit checks or money orders payable to the respective CSSA.

i. The CSSA shall issue a lawful receipt for any repayment which is accepted. Payments received shall be deposited in the CSSA Clearing Account and a record of the receipt of the payment maintained on a separate section of the Clearing Account Subsidiary Ledger.

ii. The collections received during the reporting quarter must be submitted to DFD by issuing a check, payable to "Treasurer, State of NJ" either monthly or quarterly.

(1) For purposes of recordkeeping, each CSSA shall maintain a schedule of collections received during the quarter indicating the case number, household's name, amount of claim, current payment, amount paid to date and balance due.

(x) Accounting procedures are as follows:

1. The CSSA shall be responsible for maintaining an accounting system for monitoring claims against households. The accounting system shall be designed to accomplish the following:

i. Document the circumstances which resulted in a claim, the procedures used to calculate the claim, the methods used to collect the claim and, if applicable, the circumstances which resulted in suspension or termination of collection action.

ii. Identify those situations in which an amount not yet restored to a household can be used to offset a claim owed by the household.

iii. Identify those households that have failed to make installment payments on their claims.

iv. Document how much money was collected and how much was submitted to DFD.

2. At a minimum, the accounting system shall document the following for each claim:

i. The date of discovery;

ii. The reason for the claim;

iii. The calculation of the claim;

iv. The date the claim was established;

v. The methods used to collect the claim;

vi. The amount and incidence of any claim processing charges;

vii. The reason for the final disposition of the claim;

viii. Any collections made on the claim; and

ix. Any correspondence, including follow-up letters, sent to the household.

3. At a minimum, the accounting or certification system shall also identify the following for each claim:

i. Those households whose claims have become delinquent;

ii. Those situations in which an amount not yet restored to a household can be used to offset a claim owed by the household; and

iii. Those households with outstanding claims that are applying for benefits.

4. When requested and at intervals determined by USDA/FNS, the accounting system shall also produce:

i. Accurate and supported outstanding balances and collections for established claims; and

ii. Summary reports of the funds collected, the amount submitted to DFD, the claims established and terminated, any delinquent claims processing charges, the uncollected balance and the delinquency of the unpaid debt.

5. On a quarterly basis, unless otherwise directed by DFD, the accounting system shall reconcile summary balances reported to individual supporting records.

(y) Trafficking, as used in this section, shall mean:

1. The buying, selling, stealing, or otherwise affecting an exchange of SNAP benefits issued and accessed via Families First cards, card numbers, and personal identification numbers (PINs), or by manual voucher and signature, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone;

2. Pursuant to *7 CFR 271.2*, the exchange of firearms, ammunition, explosives, or controlled substances, as defined in *21 U.S.C. § 802*, for SNAP benefits;

3. Purchasing a product with SNAP benefits with the intent of obtaining cash by discarding the product and returning the container for the deposit amount, intentionally discarding the product, and intentionally returning the container for the deposit amount;

4. Purchasing a product with SNAP benefits with the intent of obtaining cash or consideration other than eligible food by reselling the product, and subsequently intentionally reselling the product purchased with SNAP benefits in exchange for cash or consideration other than eligible food;

5. Intentionally purchasing products originally purchased with SNAP benefits in exchange for cash or consideration other than eligible food; or

6. Attempting to buy, sell, steal, or otherwise affect an exchange of SNAP benefits issued and accessed via Electronic Benefit Transfer (EBT) cards, card numbers, and personal identification numbers (PINs), or by manual voucher and signatures, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone.

History

HISTORY:

Repeal and New Rule, R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Section was "Change in household composition".

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

In (a)1, substituted "food stamp benefits" for "coupons" and "EBT" for "APT"; in (*o*)1i through (*o*)1iii, substituted a semicolon for the period at the end; deleted (*o*)1iv; recodified (*o*)1v through (*o*)1vii as (*o*)1iv through (*o*)1vi; in (*o*)1iv, substituted a semicolon for a period at the end; in (*o*)1v, substituted "; or" for the period at the end; in (*o*)1vi, updated the N.J.A.C. reference; and in (p)6, substituted "and Workforce Development" for "DOL" and "to USDA" for "for reporting purposes".

Administrative correction.

See: *40 N.J.R. 1663(a)*.

Amended by R.2009 d.94, effective March 16, 2009.

See: *40 N.J.R. 5932(a)*, *41 N.J.R. 1245(b)*.

In (i)6 and (*o*)1vi, updated the N.J.A.C. reference.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

In (a)1, (p)9i, (q), (s)1 and (u), substituted "NJ SNAP" for "food stamp"; in (b), substituted "CFR" for C.F.R."; in (i)1, substituted "NJ SNAP benefits" for "Food Stamps"; in (i)2, deleted "of" following "date" and inserted "has been mailed or delivered"; in (p)9i, substituted the last occurrence of "program" for "programs"; in (p)9ii, substituted the first occurrence of "NJ SNAP" for "FS", the second occurrence of "NJ SNAP" for "Food Stamps" and the third occurrence of "NJ SNAP" for "Food Stamp"; and in (u), deleted a comma following "revocation of discharge", and substituted "that" for "which".

Amended by R.2017 d.022, effective February 6, 2017.

See: *48 N.J.R. 695(a)*, *49 N.J.R. 267(a)*.

Deleted (a)1; in the introductory paragraph of (g), substituted "timeframe" for "time frame"; added (g)1, (v)5, and (y); rewrote (i)4xv and (k)3; and in (v)4, substituted "; and" for a period.

Amended by R.2023 d.083, effective July 3, 2023.

See: *54 N.J.R. 2062(a)*, *55 N.J.R. 1335(a)*.

Rewrote (p)2i(1) and (2).

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N.J.A.C. 10:87-11.21

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 87. NEW JERSEY SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (NJ SNAP) MANUAL > SUBCHAPTER 11. INCORRECT ISSUANCE

§ 10:87-11.21 Treasury Offset Program

(a) Rules on the Treasury Offset Program (TOP) are as follows:

1. Procedures for referring debts to TOP are as follows:

i. Appropriate client contact shall be made by the CSSA prior to forwarding a claim to DFD for referral to TOP.

ii. When a claim for $ 25.00 or more becomes delinquent, the CSSA shall send a demand letter(s) at 30, 60 and 90-day intervals to the client requesting that he or she make voluntary payment or set up a payment schedule. This will require the CSSA to identify and track delinquent claims at the 30, 60 and 90-day periods.

iii. If the client has not responded to the demand letter issued at the 90-day interval, the CSSA shall refer these claims to DFD for processing. A 60-day notice will be generated advising the client that if he or she does not contact the CSSA for payment of the claim by the end of the 60-day period, the claim shall be referred to TOP.

iv. The CSSA shall certify that all claims referred to TOP are 120 days delinquent and legally enforceable.

v. The CSSA shall also follow DFD procedures regarding responding to inquiries, subsequent reviews and hearings, and any other procedures determined necessary in the debtor notification process.

2. Procedures for debts not referred to TOP are as follows:

i. The CSSA shall not refer to TOP a claim when:

(1) It becomes aware that the debtor is a member of a participating household that is having its allotment reduced to collect the claim; or

(2) It falls into any other category designated by USDA/FNS and transmitted through DFD as non-referable to TOP.

3. Procedures in effect on debtors to TOP are as follows:

i. As a debtor, if the claim is referred to TOP, any eligible Federal payment which is owed may be intercepted through TOP.

ii. The debtor is also responsible for paying any collection or processing fees charged by the Federal government to intercept the payment.

4. Procedures when a claim is in TOP are as follows:

i. The CSSA shall follow USDA/FNS procedures, as transmitted through DFD, when a claim is in TOP.

ii. The CSSA shall inactivate or close a claim from TOP if:

(1) USDA/FNS or Treasury instructs to inactivate or close the debt; or

(2) It is discovered that:

(A) The debtor is a member of an NJ SNAP household undergoing allotment reduction;

(B) The claim is paid up;

(C) The claim is disposed of through a hearing, termination, compromise or any other means;

(D) The claim was referred to TOP in error; or

(E) An arrangement is made with the debtor to resume payments.

5. DFD transmitted procedure on receiving and reporting TOP payments shall be followed.

6. DFD transmitted procedure regarding any security or confidentiality agreements or processes necessary for TOP participation shall be followed.

History

HISTORY:

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Recodified from 11.19.

Repeal and New Rule, R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Section was "Benefits lost prior to EPR".

Recodified from *N.J.A.C. 10:87-11.22* by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

Former *N.J.A.C. 10:87-11.21*, Operation Judgement Day, repealed.

Amended by R.2009 d.94, effective March 16, 2009.

See: *40 N.J.R. 5932(a)*, *41 N.J.R. 1245(b)*.

In the introductory paragraph of (a), inserted "the"; and in (a)1iii, deleted "OIS at" preceding "DFD", substituted "A" for "OIS, in turn, generates a" preceding "60-day notice" and inserted "will be generated".

Administrative change.

See: *44 N.J.R. 1529(a)*.

Amended by R.2017 d.022, effective February 6, 2017.

See: *48 N.J.R. 695(a)*, *49 N.J.R. 267(a)*.

In (a)1iv, substituted "120" for "180".

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N.J.A.C. 10:87-11.22

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§ 10:87-11.22 Set-off Individual Liability program

(a) 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.

1. The CSSA shall submit cases to the Set-off Individual Liability program (SOIL) using the criteria below:

i. Closed cases in which the outstanding balance on a claim is in excess of $ 25.00.

ii. No payments have been received from the household for at least six months as of the date of submission of the case to SOIL.

iii. The CSSA is not permitted to submit any closed NJ SNAP claim (except judgments) in which more than 10 years have passed since the established delinquent date.

iv. The CSSA may reinstate a suspended, terminated or compromised claim only if no payments have been received for at least six months as of the date of submission.

2. If the CSSA has obtained a judgment against an NJ SNAP household in a court of competent jurisdiction, the CSSA shall submit the debt to SOIL provided:

i. The judgment balance, as of the date of submission of the claim, is in excess of $ 25.00; and

ii. The judgment does not specify that the money is to be repaid in installments; or

iii. The judgment specifies that the money is to be repaid in installments and the household has made no payment for at least six months as of the date of submission.

3. NPA debts are considered judgments if any one of the following has been attained:

i. A judgment by a court of competent jurisdiction;

ii. A judgment issued as a result of an administrative disqualification hearing;

iii. A signed Waiver of Right to an Administrative Hearing; or

iv. A signed disqualification consent agreement.

4. Closed cases with an outstanding balance shall be submitted to SOIL provided:

i. The outstanding debt is in excess of $ 25.00 as of the date of submission; and

ii. The case record has been examined to insure that the total amount of the outstanding debt is correct. The total amount of debt owed is to be submitted, not the monthly deduction amount (recoupment).

5. Closed cases with an outstanding judgment and a recoupment in effect upon closure shall be considered judgment cases and handled as follows:

i. The CSSA shall send a letter to the former household informing them of the overpayment, the amount and reason for the overpayment and that repayment is required;

ii. The letter should be sent within one week of the judgment;

iii. If the WFNJ/NJ SNAP PA-15 (notification form) issued to close the case contains the criteria at (a)2 above information, then it can serve as the notification to the household;

iv. Joint collection shall reflect the proportionate share of monies recovered for the program in accordance with *N.J.A.C. 10:87-11.20*; and

v. A copy of the letter shall be included in the household's case record.

History

HISTORY:

Repeal and New Rule, R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Section was "Federally mandated reduction or cancellation of benefits".

Recodified to *N.J.A.C. 10:87-11.21* by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

Section was "Treasury Offset Program".

New Rule, R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

Section was "Reserved".

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N.J.A.C. 10:87-11.23

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§ 10:87-11.23 (Reserved)

History

HISTORY:

Repealed by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Section was "Claims against households".

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N.J.A.C. 10:87-11.24

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§ 10:87-11.24 (Reserved)

History

HISTORY:

As amended, R.1983 d.224, effective May 31, 1983.

See: 15 New Jersey Register 633(a), 15 New Jersey Register 1034(a).

Originally adopted as an Emergency Rule, R.1983 d.117, effective March 31, 1983, operative April 1, 1983. The amendments are pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

Rules on nonfraud claims deleted and replaced.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 New Jersey Register 2689(a), 21 New Jersey Register 511(b).

Recodified from 11.22.

Repealed by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Section was "Inadvertent household error and administrative error claims".

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N.J.A.C. 10:87-11.25

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§ 10:87-11.25 (Reserved)

History

HISTORY:

See: 15 New Jersey Register 633(a) 15 New Jersey Register 1034(a).

Originally adopted as an Emergency Rule, R.1983 d.117, effective March 31, 1983, operative April 1, 1983. The amendments are pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

Complete new text, rule at this cite recodified to 10:87-11.24.

As amended, R.1984 d.68, effective March 19, 1984.

See: 15 New Jersey Register 2134(b), 16 New Jersey Register 550(a).

(e)1. and 2., added.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 New Jersey Register 2689(a), 21 New Jersey Register 511(b).

Recodified from 11.24 and (f) amended.

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 New Jersey Register 1928(a)*, *30 New Jersey Register 3669(b)*.

In (b), substituted a reference to food stamp benefits for a reference to ATPs in 3, and substituted a reference to monthly food stamp benefits for a reference to food stamp allotments in 4; and in (e), added 3.

Repealed by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Section was "Instances requiring a claim determination for inadvertent household errors or administrative errors".

§ 10:87-11.25 (Reserved)

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N.J.A.C. 10:87-11.26

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§ 10:87-11.26 (Reserved)

History

HISTORY:

As amended, R.1980 d.117, effective March 19, 1980.

See: 11 New Jersey Register 517(a), 12 New Jersey Register 194(b).

Added (f).

As amended, R.1983 d.224, effective May 31, 1983.

See: 15 New Jersey Register 633(a), 15 New Jersey Register 1034(a).

Originally adopted as an Emergency Rule, R.1983 d.117, effective March 31, 1983, operative April 1, 1983. The amendments are pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

Text formerly at 10:87-11.23; amendments to text concerning inadvertent household and administrative errors.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 New Jersey Register 2689(a), 21 New Jersey Register 511(b).

Recodified from 11.24 with amendments.

Amended by R.1993 d.62, effective February 1, 1993.

See: 24 New Jersey Register 3207(b), 25 New Jersey Register 584(a).

In (c)1: failure to respond reduced from 30 to 10 days.

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 New Jersey Register 1928(a)*, *30 New Jersey Register 3669(b)*.

In (a), deleted a former 2, and recodified former 3 as 2; and in (b), rewrote 1 and 2.

Repealed by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

§ 10:87-11.26 (Reserved)

Section was "Collecting inadvertent household errors and administrative error claims".

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N.J.A.C. 10:87-11.27

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 57 No. 19, October 6, 2025

NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 87. NEW JERSEY SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (NJ SNAP) MANUAL > SUBCHAPTER 11. INCORRECT ISSUANCE

§ 10:87-11.27 (Reserved)

History

HISTORY:

Amended by R.1983 d.224, effective May 31, 1983.

See: 15 New Jersey Register 633(a), 15 New Jersey Register 1034(a).

Originally adopted as an Emergency Rule, R.1983 d.117, effective March 31, 1983, operative April 1, 1983. The amendments are pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

Text formerly codified at 10:87-11.24, "fraud" replaced by "intentional program violation".

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 New Jersey Register 2689(a), 21 New Jersey Register 511(b).

Recodified with amendments from 11.25.

Repealed by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Section was "Intentional program violation claims".

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N.J.A.C. 10:87-11.28

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§ 10:87-11.28 (Reserved)

History

HISTORY:

Amended by R.1983 d.224, effective May 31, 1983.

See: 15 New Jersey Register 633(a), 15 New Jersey Register 1034(a).

Originally adopted as an Emergency Rule, R.1983 d.117, effective March 31, 1983, operative April 1, 1983. The amendments are pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

Text formerly codified at 10:87-11.25, "fraud" replaced by "intentional program violation".

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 New Jersey Register 2689(a), 21 New Jersey Register 511(b).

Recodified from 11.26 and substantially amended.

Repealed by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Section was "Establishing an intentional program violation claim".

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N.J.A.C. 10:87-11.29

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§ 10:87-11.29 (Reserved)

History

HISTORY:

Amended by R.1983 d.224, effective May 31, 1983.

See: 15 New Jersey Register 633(a), 15 New Jersey Register 1034(a).

Originally adopted as an Emergency Rule, R.1983 d.117, eff. March 31, 1983, operative April 1, 1983. The amendments are pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

Text formerly codified at 10:87-11.26, expansion of rule and change from "fraud" to "intentional program violation".

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 New Jersey Register 2689(a), 21 New Jersey Register 511(b).

Recodified and substantially amended from 11.27.

Amended by R.1993 d.62, effective February 1, 1993.

See: 24 New Jersey Register 3207(b), 25 New Jersey Register 584(a).

In (c)1: changed response to demand letter from within 30 days to immediately upon receipt.

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 New Jersey Register 1928(a)*, *30 New Jersey Register 3669(b)*.

Rewrote (b).

Repealed by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Section was "Collecting intentional program violation claims".

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§ 10:87-11.29 (Reserved)

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N.J.A.C. 10:87-11.30

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§ 10:87-11.30 (Reserved)

History

HISTORY:

As amended, R.1983 d.224, eff. May 31, 1983.

See: 15 New Jersey Register 633(a), 15 New Jersey Register 1034(a).

Originally adopted as an Emergency Rule, R.1983 d.117, eff. March 31, 1983, operative April 1, 1983. The amendments are pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

Text formerly codified at 10:87-11.27, deleted and replaced.

Amended by R.1988 d.173, effective April 18, 1988.

See: 20 New Jersey Register 162(c), 20 New Jersey Register 903(c).

Substantially amended.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 New Jersey Register 2689(a), 21 New Jersey Register 511(b).

Recodified from 11.28.

Repealed by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Section was "Changes in household composition".

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N.J.A.C. 10:87-11.31

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§ 10:87-11.31 (Reserved)

History

HISTORY:

Amended by R.1979 d.422, effective October 18, 1979.

See: 11 New Jersey Register 379(a), 11 New Jersey Register 559(d).

Amended by R.1983 d.224, effective May 31, 1983.

See: 15 New Jersey Register 633(a), 15 New Jersey Register 1034(a).

Originally adopted as an Emergency Rule, R.1983 d.117 eff. March 31, 1983, operative April 1, 1983. The amendments are pursuant to the Food Stamp Act Amendments of 1982 (P.L. 97-253) and the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35).

Text formerly at 10:87-11.28; rules greatly expanded.

Amended by R.1984 d.68, effective March 19, 1984.

See: 15 New Jersey Register 2134(b), 16 New Jersey Register 550(a).

(a)7, other collection action, added.

Amended by R.1985 d.346, effective July 1, 1985.

See: 17 New Jersey Register 883(a), 17 New Jersey Register 1659(a).

(a)3ii(5) added.

Amended by R.1989 d.121, effective February 21, 1989.

See: 20 New Jersey Register 2689(a), 21 New Jersey Register 511(b).

Recodified from 11.29 and substantially amended.

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 New Jersey Register 139(a), 22 New Jersey Register 1599(a).

Added new Subsection (l).

Amended by R.1998 d.498, effective October 5, 1998.

§ 10:87-11.31 (Reserved)

See: *30 New Jersey Register 1928(a)*, *30 New Jersey Register 3669(b)*.

Rewrote (c) and (d).

Repealed by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Section was "Methods of collection".

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N.J.A.C. 10:87-11.32

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§ 10:87-11.32 (Reserved)

History

HISTORY:

New Rule, R.1989 d.121, effective February 21, 1989.

See: 20 New Jersey Register 2689(a), 21 New Jersey Register 511(b).

Repealed by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Section was "Interstate claims collection".

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N.J.A.C. 10:87-11.33

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§ 10:87-11.33 (Reserved)

History

HISTORY:

New Rule, R.1989 d.121, effective February 21, 1989.

See: 20 New Jersey Register 2689(a), 21 New Jersey Register 511(b).

Repealed by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

Section was "CWA reporting requirements for incorrect issuances".

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N.J.A.C. 10:87-12

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Title 10, Chapter 87, Subchapter 12 -- Subchapter Notes

History

Subchapter Historical Note

Public Notice: Food stamp eligibility, deduction and coupon allotment standards. See: *34 N.J.R. 3544(a)*.

Public Notice: Food Stamp Program: Notice of Food Stamp Eligibility, Deduction and Benefit Allotment Standards. See: *37 N.J.R. 4475(b)*.

Public Notice: Food Stamp Program: Notice of Food Stamp Eligibility, Deduction and Benefit Allotment Standards. See: *38 N.J.R. 3927(b)*.

Public Notice: Food Stamp Program: Notice of Food Stamp Eligibility, Deduction and Benefit Allotment Standards. See: *39 N.J.R. 5375(a)*.

Public Notice: Food Stamp Program: Notice of Food Stamp Eligibility, Deduction and Benefit Allotment Standards. See: *40 N.J.R. 6658(b)*.

Public Notice: Food Stamp Program: Notice of Food Stamp Eligibility, Deduction and Benefit Allotment Standards. See: *41 N.J.R. 4564(c)*.

Public Notice: Food Stamp Program: Notice of Food Stamp Eligibility, Deduction and Benefit Allotment Standards. See: *42 N.J.R. 2499(a)*.

Public Notice: Notice of NJ SNAP Income Eligibility, Deduction and Benefit Allotment Standards. See: *43 N.J.R. 3203(a)*.

Public Notice: Notice of NJ SNAP Income Eligibility, Deduction and Benefit Allotment Standards. See: *44 N.J.R. 2916(b)*.

Public Notice: Notice of NJ SNAP Income Eligibility, Deduction and Benefit Allotment Standards. See: *45 N.J.R. 2450(a)*.

Public Notice: Notice of NJ SNAP Income Eligibility, Deduction and Benefit Allotment Standards. See: *49 N.J.R. 4049(c)*.

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N.J.A.C. 10:87-12.1

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§ 10:87-12.1 Income deduction standards

(a) The Standard Deduction shall be that calculated by the United States Department of Agriculture, published annually in the Federal Register pursuant to *7 CFR 273.9(d)(1)*, and effective October 1 of each year.

(b) The Shelter Deduction shall be that calculated by the United States Department of Agriculture, published annually in the Federal Register pursuant to *7 CFR 273.9(d)(6)*, and effective October 1 of each year.

(c) Standard utility allowances have been established pursuant to *7 CFR 273.9(d)(6)(iii)*. A household may qualify for one utility deduction based on household expenses identified in *N.J.A.C. 10:87-5.10(a)*5. The standard utility allowances available to NJ SNAP households include the Heating and Cooling Standard Utility Allowance (HCSUA), Limited Utility Allowance (LUA), and the Uniform Telephone Allowance (UTA). Standard utility allowances are updated annually on October 1st, and are calculated using the following methodologies:

1. HCSUA. A standard base period amount was established using the "Texas" methodology described in USDA Notice No. 79-47, issued May 25, 1979, and it is updated annually for inflation adjustments. The base period amount shall be updated annually for inflation adjustments using the U.S. Bureau of Labor Statistics' Consumer Price Index-All Urban Consumers for Fuels and Utilities. The current year's index for June shall be compared to the index two years earlier to determine a percent change, and the percent change shall be applied to the prior year's Base Period amount to determine the annual HCSUA. Should the percent change be negative, the previous year's HCSUA shall be utilized.

2. LUA. A base period was established using the "Texas" methodology described in USDA Notice No. 79-47, issued May 25, 1979, and it is updated annually for inflation adjustments. The Base Period amount shall be updated annually for inflation adjustments utilizing the U.S. Bureau of Labor Statistics' Consumer Price Index-All Urban Consumers for All Items. The current year's index for June shall be compared to the index two years earlier to determine a percent change, and the percent change shall be applied to the prior year's Base Period amount to determine the annual LUA. Should the percent change be negative, the previous year's LUA shall be utilized.

3. UTA. A standard base period amount was established by totaling the Verizon Telephone Company's highest regional Flat Rate charge for New Jersey, the FCC subscriber line charge, wire maintenance fees, and applicable Federal tax and it is updated annually for inflation adjustments. The Base Period amount shall be updated annually for inflation adjustments utilizing the U.S. Bureau of Labor Statistics' Consumer Price Index-All Urban Consumers for Telephone Services. The current year's index for June shall be compared to the index two years earlier to determine a percent change, and the percent change shall be applied to the prior year's Base Period amount to determine the annual UTA. Should the percent change be negative, the previous year's UTA shall be utilized.

History

HISTORY:

Amended by R.1979 d.234, effective July 1, 1979.

See: 11 N.J.R. 346(e).

Amended by R.1979 d.387, effective October 1, 1979.

See: 11 N.J.R. 448(a), 11 N.J.R. 559(a).

Amended by R.1979 d.477, effective January 1, 1980.

See: 12 N.J.R. 42(a).

Standard Deduction was $ 70.00

Amended by R.1980 d.154, effective May 1, 1980.

See: 12 N.J.R. 278(d).

Utility Allowance was $ 189.00.

Amended by R.1980 d.418, effective November 1, 1980.

See: 12 N.J.R. 663(b).

SUA amended to winter rate of $ 259.00.

Amended by R.1980 d.558, effective January 1, 1981.

See: 13 N.J.R. 100(e).

Standard deduction was $ 75.00: "Dependent" care was "child" care, $ 90.00.

Amended on an emergency basis, R.1981 d.398, effective September 30, 1981 (operative October 1, 1981), exp. November 30, 1981.

See: 13 N.J.R. 769(a).

Readopted, R.1981 d.517, effective December 31, 1981.

See: 13 N.J.R. 769(a), 14 N.J.R. 103(a).

Standard utility allowance increased from "$ 259.00" to "$ 333.00."

Amended by R.1982 d.318, effective September 1, 1982.

See: 14 N.J.R. 757(d), 14 N.J.R. 1057(a).

Uniform Telephone Allowance changed from $ 7.96 to $ 8.36, reflecting cost increase. Standard Utility Allowance changed from $ 333.00 to $ 179.00 reflecting summer decreases in heating costs.

Amended by R.1982 d.442, effective December 1, 1982.

See: 14 N.J.R. 1170(a), 14 N.J.R. 1463(a).

Originally filed as an emergency adoption (R.1982 d.365) on October 1, 1982. Readopted as R.1982 d.442. Updated standard utility allowance; from $ 179.00 to $ 286.00.

Amended by R.1983 d.72, effective February 28, 1983.

See: 15 N.J.R. 97(a), 15 N.J.R. 444(a).

Originally filed as an emergency adoption (R.1983 d.503) on December 30, 1982. Readopted as R.1983 d.72. Standard utility allowance and housing utility allowance separated and telephone allowance increased.

Amended by R.1983 d.579, effective November 29, 1983.

Originally filed as an emergency amendment R.1983 d.460, effective September 26, 1983, operative October 1, 1983.

See: 15 N.J.R. 1774(a), 15 N.J.R. 2170(c).

Standard deduction and child care/shelter deduction increased; JUA and HUA decreased by annualization.

Emergency Amendment, R.1984 d.465, effective September 28, 1984 (operative October 1, 1984, expires November 27, 1984).

See: 16 N.J.R. 2844(a).

Increased income deductions.

Readopted, R.1984 d.567, effective November 28, 1984.

See: 16 N.J.R. 2844(a), 16 N.J.R. 3450(a).

Previously emergency rule R.1984 d.465.

Emergency Amendment, R.1985 d.526, effective September 26, 1985 (operative October 1, 1985, expires November 25, 1985).

See: 17 N.J.R. 2564(a).

Income Deduction Table revised.

Readoption, R.1985 d.647, effective November 26, 1985.

See: 17 N.J.R. 2564(a), 17 N.J.R. 2978(a).

Emergency Amendment, R.1985 d.713, effective December 27, 1985 (operative January 1, 1986), expires February 24, 1986.

See: 18 N.J.R. 214(a).

Added "Standard Utility Allowance/Vendor" and "Heating Utility Allowance/Vendor" to Table 1.

Emergency Amendment, R.1986 d.191, effective April 29, 1986 (operative May 1, 1986, expires June 30, 1986).

See: 18 N.J.R. 1108(a).

Shelter deduction raised from $ 139.00 to $ 147.00.

Readopted Emergency Amendment and Concurrent Proposal, R.1986 d.301, effective June 30, 1986.

See: 18 N.J.R. 1108(a), 18 N.J.R. 1464(b).

Emergency Amendment, R.1986 d.436, effective September 29, 1986 (operative October 1, 1986, expires November 28, 1986).

See: 18 N.J.R. 2137(a).

Adoption of Concurrent Proposal, R.1987 d.5, effective November 26, 1986.

See: 18 N.J.R. 2137(a), 19 N.J.R. 129(a).

Emergency Amendment, R.1987 d.431, effective October 1, 1987 (expires November 30, 1987).

See: 19 N.J.R. 1916(a).

Adopted concurrent proposal, R.1987 d.529, effective November 30, 1987.

See: 19 N.J.R. 1916(a), 19 N.J.R. 2402(c).

Emergency Amendment, R.1988 d.512, effective September 30, 1988 (operative October 1, 1988, expires November 29, 1988).

See: 20 N.J.R. 2591(b).

Raise in income deductions.

Adoption of concurrent proposal, R.1989 d.1, effective November 29, 1988.

See: 20 N.J.R. 2592(a), 21 N.J.R. 21(a).

Provisions of emergency amendment R.1988 d.512 readopted without change.

Emergency Amendment, R.1989 d.533, effective September 22, 1989 (expires November 21, 1989).

See: 21 N.J.R. 3316(a).

Income deductions raised to conform to Federal requirements.

Adopted concurrent proposal, R.1989 d.606, effective November 21, 1989. See: 21 N.J.R. 3316(a), 21 N.J.R. 3918(b). Provisions of emergency amendment R.1989 d.533 readopted without change.

Amended by R.1990 d.437, effective September 4, 1990.

See: 22 N.J.R. 1670(a), 22 N.J.R. 2715(a).

Deleted Table I and added new text from (a)-(e).

Public Notice: Income deductions revised to conform to Federal requirements.

See: 21 N.J.R. 3316(a).

Maximum allowable gross income raised to conform to Federal requirements.

Adopted concurrent proposal, R.1989 d.606, effective November 21, 1989.

See: 21 N.J.R. 3316(a), 21 N.J.R. 3918(b).

Provisions of emergency amendment R.1989 d.533 readopted without change.

Amended by R.1990 d.437, effective September 4, 1990.

See: 22 N.J.R. 1670(a), 22 N.J.R. 2715(a).

Deleted Table IV, replacing with text explaining annual calculation and publishing schedule.

Public Notice: Maximum allowable gross income revised to conform to Federal requirements.

See: 24 N.J.R. 3769(b).

Public Notice: Maximum allowable gross income, effective October 1, 1993.

See: 25 N.J.R. 5365(a).

Public Notice: Maximum allowable gross income, effective October 1, 1994.

See: 26 N.J.R. 3901(a).

Public Notice: Income deductions, effective October 1, 1995.

See: *27 N.J.R. 4919(b)*.

Public Notice: Income deductions, effective December 1, 1995.

See: *28 N.J.R. 200(a)*.

Public Notice: Income deductions, effective October 1, 1996.

See: *28 N.J.R. 4677(b)*.

Public Notice: Income deductions, effective January 1, 1997.

See: *29 N.J.R. 947(c)*.

Amended by R.1998 d.498, effective October 5, 1998.

See: *30 N.J.R. 1928(a)*, *30 N.J.R. 3669(b)*.

In (c), substituted a reference to touch-tone telephones for a reference to rotary dial telephones.

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 1998.

See: *30 N.J.R. 3866(a)*.

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 1999.

See: *31 N.J.R. 3135(b)*.

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 2000.

See: *32 N.J.R. 3667(b)*.

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 2001.

See: *33 N.J.R. 3556(a)*.

Public Notice: Food stamp eligibility, deduction and coupon allotment standards.

See: *34 N.J.R. 3544(a)*.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Rewrote (c); in (d), substituted "Limited" for "standard" in the introductory paragraph, "LUA" for "SUA" in 3; in (e), inserted reference to Cooling Standard following a reference to heating throughout and substituted "HCSUA" for "HUA" throughout.

Public Notice: Food Stamp Program.

See: *37 N.J.R. 142(b)*.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: *43 N.J.R. 2114(a)*, *44 N.J.R. 241(a)*.

Deleted former (c) and (d); recodified (e) as (c); in the introductory paragraph of (c), substituted "CFR" for "C.F.R.", in (c)1, substituted "NJ SNAP" for "food stamp"; and deleted (c)3 and (f).

Amended by R.2017 d.022, effective February 6, 2017.

See: *48 N.J.R. 695(a)*, *49 N.J.R. 267(a)*.

Section was "Income deductions". Rewrote the section.

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N.J.A.C. 10:87-12.2

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§ 10:87-12.2 Maximum benefit allotment

The maximum NJ SNAP benefit shall be that calculated by the United States Department of Agriculture, pursuant to *7 C.F.R. 273.10(e)(4)*, published annually in the Federal Register, pursuant to *7 C.F.R. 273.9(e)(4)*, and effective October 1 of each year.

History

HISTORY:

Amended by R.1979 d.234, effective July 1, 1979.

See: 11 N.J.R. 346(e).

Amended by R.1979 d.477, effective January 1, 1980.

See: 12 N.J.R. 42(a).

Increased Maximum Coupon Allotment.

Amended by R.1980 d.296, effective July 1, 1980.

See: 12 N.J.R. 482(b).

Amended to reflect the Federal adjustment in maximum allowance monthly coupon allotments.

Amended by R.1980 d.558, effective January 1, 1981.

See: 13 N.J.R. 100(e).

Substantially amended.

Amended by R.1982 d.442, effective December 1, 1982.

See: 14 N.J.R. 1170(a), 14 N.J.R. 1463(a).

Originally filed as an emergency adoption (R.1982 d.365) on October 1, 1982. Readopted as R.1982 d.442. Increase in monthly coupon allotment.

Amended by R.1983 d.579, effective November 29, 1983.

Originally filed as an emergency amendment R.1983 d.460, effective September 26, 1983, operative October 1, 1983.

See: 15 N.J.R. 1774(a), 15 N.J.R. 2170(c).

$ 1 or $ 2 increase in most coupon allotments.

Emergency Amendment, R.1984 d.465, effective September 28, 1984 (operative October 1, 1984).

See: 16 N.J.R. 2844(a).

Increase in coupon allotments.

Readopted, R.1984 d.567, effective November 1, 1984.

See: 16 N.J.R. 2844(a), 16 N.J.R. 3450(a).

Previously emergency rule R.1984 d.465. Maximum coupon allotment changed.

Emergency Amendment, R.1985 d.526, effective September 26, 1985 (operative October 1, 1985, expires November 25, 1985).

See: 17 N.J.R. 2564(a).

Coupon allotment revised.

Readoption, R.1985 d.647, effective November 26, 1985.

See: 17 N.J.R. 2564(a), 17 N.J.R. 2978(a).

Emergency Amendment, R.1986 d.436, effective September 29, 1986 (operative October 1, 1986, expires November 28, 1986).

See: 18 N.J.R. 2137(a).

Adoption of Concurrent Proposal, R.1987 d.5, effective November 26, 1986.

See: 18 N.J.R. 2137(a), 19 N.J.R. 129(a).

Emergency Amendment, R.1987 d.431, effective October 1, 1987 (expires November 30, 1987).

See: 19 N.J.R. 1916(a).

Adopted concurrent proposal, R.1987 d.529, effective November 30, 1987.

See: 19 N.J.R. 1916(a), 19 N.J.R. 2402(c).

Emergency Amendment, R.1988 d.512, effective September 20, 1988 (operative October 1, 1988, expires November 29, 1988).

See: 20 N.J.R. 2592(a).

Raised minimum coupon allotment.

Adoption of concurrent proposal, R.1989 d.1, effective November 29, 1988.

See: 20 N.J.R. 2592(a), 21 N.J.R. 21(a).

Provisions of emergency rule R.1988 d.512 readopted without change.

Emergency Amendment, R.1989 d.533, effective September 22, 1989 (expires November 21, 1989).

See: 21 N.J.R. 3316(a).

Maximum coupon allotments raised to conform to Federal requirements.

Adopted concurrent proposal, R.1989 d.606, effective November 21, 1989.

See: 21 N.J.R. 3316(a), 21 N.J.R. 3918(b).

Provisions of emergency amendment R.1989 d.533 readopted without change.

Amended by R.1990 d.437, effective September 4, 1990.

See: 22 N.J.R. 1670(a), 22 N.J.R. 2715(a).

Deleted Table II, replacing with text explaining annual calculation and publishing schedule.

Public Notice: Maximum Coupon Allotment (MCA) revised to conform with Federal requirements.

See: 24 N.J.R. 3769(b).

Public Notice: MCA, effective October 1, 1993.

See: 25 N.J.R. 5365(a).

Public Notice: MCA, effective October 1, 1994.

See: 26 N.J.R. 3901(a).

Public Notice: Maximum coupon allotment, effective October 1, 1995.

See: *27 N.J.R. 4919(b)*.

Public Notice: Maximum coupon allotment, effective October 1, 1996.

See: *28 N.J.R. 4677(b)*.

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 1998.

See: *30 N.J.R. 3866(a)*.

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 1999.

See: *31 N.J.R. 3135(b)*.

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 2000.

See: *32 N.J.R. 3667(b)*.

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 2001.

See: *33 N.J.R. 3556(a)*.

Public Notice: Food stamp eligibility, deduction and coupon allotment standards.

See: *34 N.J.R. 3544(a)*.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Substituted "maximum food stamp benefit" for "Maximum Coupon Allotment".

Administrative change.

See: *44 N.J.R. 1529(a)*.

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§ 10:87-12.3 Maximum allowable net income standards

The maximum allowable net income standards shall be those calculated by the United States Department of Agriculture and published annually in the Federal Register, pursuant to *7 C.F.R. 273.9(a)* and effective October 1 of each year.

History

HISTORY:

Amended by R.1979 d.234, effective July 1, 1979.

See: 11 New Jersey Register 346(e).

Amended by R.1980 d.296, effective July 1, 1980.

See: 12 New Jersey Register 483(b).

Amended by R.1981 d.400, effective October 1, 1981.

See: 13 New Jersey Register 500(a), 13 New Jersey Register 772(a).

Net income standard increased.

Amended to reflect the Federal adjustment in maximum allowable net income standards.

Amended by R.1982 d.318, effective September 2, 1982.

See: 14 New Jersey Register 757(d), 14 New Jersey Register 1057(a).

Increases in maximum allowable net income reflect annual Federal adjustment for cost of living.

Amended by R.1983 d.382, effective August 30, 1983.

See: 15 New Jersey Register 1185(a), 15 New Jersey Register 1583(b).

Net income standards increased.

Amended by R.1984 d.413, effective September 17, 1984.

See: 16 New Jersey Register 1935(a), 16 New Jersey Register 2442(a).

Net income standards increased.

Emergency Amendment, R.1984 d.371, effective June 24, 1985 (operative July 1, 1984 expired, August 23, 1985).

See: 17 New Jersey Register 1793(a).

Maximum Allowable Income raised.

Readoption, R.1985 d.480, effective August 26, 1985.

See: 17 New Jersey Register 1793(a), 17 New Jersey Register 2273(b).

Emergency Amendment and Concurrent Proposal, R.1986 d. 297, effective June 30, 1986 (operative July 1, 1986).

See: 18 New Jersey Register 1490(a).

Maximum Allowable Income raised.

Readopted Concurrent Proposal, R.1986 d.395, effective October 6, 1986.

See: 18 New Jersey Register 1490(a), 18 New Jersey Register 2015(c).

Emergency Amendment, R.1987 d.304, effective June 25, 1987 (operative July 1, 1987, expires August 24, 1987).

See: 19 New Jersey Register 1331(a).

Adoption of Concurrent Proposal as R.1987 d.375, effective August 24, 1987.

See: 19 New Jersey Register 1331(a), 19 New Jersey Register 1738(b).

Provisions of emergency amendment R.1987 d.304 readopted without change.

Emergency adoption, R.1988 d.512, effective September 30, 1988 (operative October 1, 1988, expires November 29, 1988).

See: 20 New Jersey Register 2592(a).

Raised maximum allowable net income.

Adoption of concurrent proposal R.1989 d.1, effective November 29, 1988.

See: 20 New Jersey Register 2592(a), 21 New Jersey Register 21(a).

Provisions of emergency rule R.1988 d.512 readopted without change.

Emergency amendment, R.1989 d.533, effective September 22, 1989 (expires November 21, 1989).

See: 21 New Jersey Register 3316(a).

Maximum allowable net income raised to conform to Federal requirements.

Adopted concurrent proposal R.1989 d.606, effective November 21, 1989.

See: 21 New Jersey Register 3316(a), 21 New Jersey Register 3918(b).

Provisions of emergency amendment R.1989 d.533 readopted without change.

Amended by R.1990 d.437, effective September 4, 1990.

See: 22 New Jersey Register 1670(a), 22 New Jersey Register 2715(a).

Deleted Table III, replacing with text explaining annual calculation and publishing schedule.

Public Notice: Maximum Allowable Net Income revised to conform to Federal requirements.

See: 24 New Jersey Register 3769(b).

Public Notice: Maximum allowable net income, effective October 1, 1993.

See: 25 New Jersey Register 5365(a).

Public Notice: Maximum allowable net income, effective October 1, 1994.

See: 26 New Jersey Register 3901(a).

Public Notice: Maximum allowable net income, effective October 1, 1995.

See: *27 New Jersey Register 4919(b)*.

Public Notice: Maximum allowable net income, effective October 1, 1996.

See: *28 New Jersey Register 4677(b)*.

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 1998.

See: *30 New Jersey Register 3866(a)*.

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 1999.

See: *31 New Jersey Register 3135(b)*.

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 2000.

See: *32 New Jersey Register 3667(b)*.

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 2001.

See: *33 New Jersey Register 3556(a)*.

Public Notice: Food stamp eligibility, deduction and coupon allotment standards.

See: *34 New Jersey Register 3544(a)*.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

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§ 10:87-12.4 Maximum allowable gross income standards

The maximum allowable gross income standards shall be those calculated by the United States Department of Agriculture and published annually in the Federal Register, pursuant to *7 C.F.R. 273.9(a)* and effective October 1 of each year.

History

HISTORY:

Amended by R.1979 d.234, effective July 1, 1979.

See: 11 New Jersey Register 346(e).

Amended by R.1979 d.477, effective January 1, 1980.

See: 12 New Jersey Register 42(a).

Increased Coupon allotments.

Amended by R.1980 d.296, effective July 1, 1980.

See: 12 New Jersey Register 482(b).

Amended to reflect the Federal adjustment in maximum allowable net income standards, monthly coupon allotments and allowable gross income limits for tax dependents.

Amended by R.1980 d.558, effective January 1, 1981.

See: 13 New Jersey Register 100(e).

Old text entirely deleted and replaced with new text.

Emergency Amendment, R.1981 d.398, effective September 30, 1981 (operative October 1, 1981), expires November 30, 1981.

See: 13 New Jersey Register 769(a).

Readopted, R.1981 d.517, effective December 31, 1981.

See: 13 New Jersey Register 769(a), 14 New Jersey Register 103(a).

Table concerning "Monthly Coupon Allotment" deleted and replaced with "Maximum Allowable Gross Income Standards."

Amended by R.1982 d.318, effective September 2, 1982.

See: 14 New Jersey Register 757(d), 14 New Jersey Register 1057(a).

Increases in maximum allowable gross income reflect annual Federal adjustments for cost of living.

Amended by R.1983 d.382, effective August 30, 1983.

See: 15 New Jersey Register 1185(a), 15 New Jersey Register 1583(b).

Gross income standards increased.

Amended by R.1984 d.413, effective September 17, 1984.

See: 16 New Jersey Register 1935(a), 16 New Jersey Register 2442(a).

Gross income standards increased.

Emergency Amendment R.1985 d.371, effective June 24, 1985 (operative July 1, 1985, expires August 23, 1985).

See: 17 New Jersey Register 1793(a).

Maximum Allowable Income raised.

Readoption R.1985 d.480, effective August 26, 1985.

See: 17 New Jersey Register 1793(a), 17 New Jersey Register 2273(b).

Emergency Amendment and Concurrent Proposal, R.1986 d.297, effective June 30, 1986 (operative July 1, 1986).

See: 18 New Jersey Register 1490(a).

Maximum Allowable Income raised.

Readopted Concurrent Proposal, R.1986 d.395, effective October 6, 1986.

See: 18 New Jersey Register 1490(a), 18 New Jersey Register 2015(c).

Emergency Amendment, R.1987 d.304, effective June 25, 1987 (operative July 1, 1987, expires August 24, 1987).

See: 19 New Jersey Register 1331(a).

Adoption of Concurrent Proposal as R.1987 d.375, effective August 24, 1987.

See: 19 New Jersey Register 1331(a), 19 New Jersey Register 1738(b).

Provisions of emergency amendment R.1987 d.304 readopted without change.

Emergency amendment, R.1988 d.512, effective September 20, 1988 (operative October 1, 1988, expires November 29, 1988).

See: 20 New Jersey Register 2592(a).

Raised maximum allowable gross income.

Adoption of concurrent proposal R.1989 d.1, effective November 29, 1988.

See: 20 New Jersey Register 2592(a), 21 New Jersey Register 21(a).

Provisions of emergency rule R.1988 d.512 readopted without change.

Emergency amendment, R.1989 d.533, effective September 22, 1989 (expires November 21, 1989).

See: 21 New Jersey Register 3316(a).

Maximum allowable gross income raised to conform to Federal requirements.

Adopted concurrent proposal, R.1989 d.606, effective November 21, 1989.

See: 21 New Jersey Register 3316(a), 21 New Jersey Register 3918(b).

Provisions of emergency amendment R.1989 d.533 readopted without change.

Amended by R.1990 d.437, effective September 4, 1990.

See: 22 New Jersey Register 1670(a), 22 New Jersey Register 2715(a).

Deleted Table IV, replacing with text explaining annual calculation and publishing schedule.

Public Notice: Maximum allowable gross income revised to conform to Federal requirements.

See: 24 New Jersey Register 3769(b).

Public Notice: Maximum allowable gross income, effective October 1, 1993.

See: 25 New Jersey Register 5365(a).

Public Notice: Maximum allowable gross income, effective October 1, 1994.

See: 26 New Jersey Register 3901(a).

Public Notice: Maximum allowable gross income, effective October 1, 1995.

See: *27 New Jersey Register 4919(b)*.

Public Notice: Maximum allowable gross income, effective October 1, 1996.

See: *28 New Jersey Register 4677(b)*.

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 1998.

See: *30 New Jersey Register 3866(a)*.

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 1999.

See: *31 New Jersey Register 3135(b)*.

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 2000.

See: *32 New Jersey Register 3667(b)*.

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 2001.

See: *33 New Jersey Register 3556(a)*.

Public Notice: Food stamp eligibility, deduction and coupon allotment standards.

See: *34 New Jersey Register 3544(a)*.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 New Jersey Register 28(a)*, *36 New Jersey Register 2425(a)*.

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§ 10:87-12.5 NJ SNAP allotment proration

(a) In accordance with *7 CFR 273.10(a)(1)(iii)*, the formula for determining NJ SNAP proration is as follows:

Full month's benefits X (31 minus date of application)

---

30 = prorated allotment

1. The computation in (a) above is to be carried out in the following sequence:

i. Subtract the date of application from 31;

ii. Multiply the result in setup (a)1i above by the full month's benefit; and

iii. Divide the result in step (a)1ii above by 30.

(b) After using the formula in (a) above to determine the allotment, the CSSA shall round the product down to the nearest lower whole dollar if it ends in 1 through 99 cents;

(c) If the computation results in an allotment of less than $ 10.00, then no issuance shall be made for the initial month.

History

HISTORY:

Amended by R.1979 d.234, effective July 1, 1979.

See: 11 N.J.R. 346(e).

Amended by R.1979 d.477, effective January 1, 1980.

See: 12 N.J.R. 42(a).

Increased Gross Income limits.

Amended by R.1980 d.296, effective July 1, 1980.

See: 12 N.J.R. 482(b).

Amended to reflect the Federal adjustment in maximum Gross Income Limits allowable for tax dependency.

Amended by R.1981 d.97, effective April 9, 1981.

See: 13 N.J.R. 96(c), 13 N.J.R. 228(a).

Section concerning tax dependency and allowable gross income limits repealed.

Emergency new rule, R.1981 d.398, effective September 30, 1981 (Operative October 1, 1981), expired November 30, 1981. See: 13 N.J.R. 769(a).

Readopted, R.1981 d.517, effective December 31, 1981.

See: 13 N.J.R. 769(a), 14 N.J.R. 103(a).

Amended by R.1983 d.121, effective April 4, 1983.

See: 15 N.J.R. 247(a), 15 N.J.R. 625(b).

Originally adopted as an Emergency Rule, R.1983 d.38, effective January 31, 1983. The amendment was pursuant to the Omnibus Budget Reconciliation Act of 1982 (P.L. 97-253) and the Food Stamp and Commodity Distribution Amendments of 1981 (P.L. 97-98, Title 13).

Amended by R.1984 d.20, effective February 6, 1984.

See: 15 N.J.R. 1918(a), 16 N.J.R. 246(b).

Proration formula revised to eliminate downward bias.

Amended by R. 1990 d.437, effective September 4, 1990.

See: 22 N.J.R. 1670(a), 22 N.J.R. 2715(a).

In (a), included Federal citation in text.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-12.6

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§ 10:87-12.6 Monthly benefit allotment

(a) In accordance with *7 CFR 273.10(e)(2)(ii)*, the formula for determining the monthly benefit allotment follows:

1. To determine the benefit households shall receive:

i. Multiply the net monthly NJ SNAP income by 30 percent; then

ii. Round the product up to the next dollar if it ends in cents; then

iii. Subtract the result from the maximum benefit allotment for that size household.

2. If the allotment is for a one or two-person household and the initial month prorates to less than $ 10.00, the benefit amount is zero for the initial month. The first full month of benefits, if the allotment is less than $ 10.00, the CSSA shall round up the benefit amount to $ 10.00.

3. If the allotment amount is for a three or more person household, the initial month's benefit amount is zero if the allotment prorates to be less than $ 10.00. The first full month of benefits, however, would be exactly what the household is entitled to.

History

HISTORY:

Emergency New Rule, R.1981 d.398, effective September 30, 1981 (operative October 1, 1981), expired November 30, 1981.

See: 13 N.J.R. 769(a).

Readopted, R.1981 d.517, effective December 31, 1981.

See: 13 N.J.R. 769(a), 14 N.J.R. 103(a).

Amended by R.1982 d.318, effective September 2, 1982.

See: 14 N.J.R. 757(d), 14 N.J.R. 1057(a).

Rounding up prohibited in determining initial month's benefits.

Amended by R.1982 d.442, effective December 1, 1982.

See: 14 N.J.R. 1170(a), 14 N.J.R. 1463(a).

Originally filed as an emergency adoption (R.1982 d.365) on October 1, 1982. Readopted as R.1982 d.442. Rounding up of the product if it ends in cents.

Amended by R.1983 d.121, effective April 14, 1983.

See: 15 N.J.R. 247(a), 15 N.J.R. 625(b).

Originally adopted as an Emergency Rule, R.1983 d.38, effective January 31, 1983. The Amendment was pursuant to the Omnibus Budget Reconciliation Act of 1982 (P.L. 97-253) and the Food Stamp and Commodity Distribution Amendments of 1981 (P.L. 97-98, Title 13).

Amended by R. 1990 d.437, effective September 4, 1990.

See: 22 N.J.R. 1670(a), 22 N.J.R. 2715(a).

In (a): added Federal citation in text.

Amended by R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

In (a), deleted "Benefit determination without the tables:" in 1; and substituted "benefit" for "coupon" throughout.

Amended by R.2007 d.129, effective May 7, 2007.

See: *38 N.J.R. 4374(a)*, *39 N.J.R. 1719(a)*.

In (a), substituted "CFR" for "C.F.R."; in (a)1iii, substituted a period for "; then" at the end; deleted (a)1iv; recodified (a)1v as (a)2 and rewrote (a)2; deleted (a)1vi; and added (a)3.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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N.J.A.C. 10:87-12.7

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§ 10:87-12.7 165 percent of poverty level

The 165 percent of poverty level amounts shall be that established and published annually as required by *7 U.S.C. 2014(c)*.

History

HISTORY:

Amended by R.1983 d.72, effective February 28, 1983.

See: 15 New Jersey Register 247(a), 15 New Jersey Register 444(a).

Originally filed as an emergency adoption (R.1983 d.38) on February 22, 1983. Readopted as R.1983 d.72.

Amended by R.1983 d.382, effective August 30, 1983.

See: 15 New Jersey Register 1185(a), 15 New Jersey Register 1583(b).

Amended by R.1984 d.413, effective September 17, 1984.

See: 16 New Jersey Register 1935(a), 16 New Jersey Register 2442(a).

Poverty level income increased.

Emergency Amendment R.1985 d.371, effective June 24, 1985 (operative July 1, 1985, expires August 23, 1985).

See: 17 New Jersey Register 1793(a).

Maximum Allowable Income raised.

Readoption R.1985 d.480, effective August 26, 1985.

See: 17 New Jersey Register 1793(a), 17 New Jersey Register 2273(b).

Emergency Amendment and Concurrent Proposal, R.1986 d.297, effective June 30, 1986 (operative July 1, 1986).

See: 18 New Jersey Register 1490(a).

Maximum Allowable Income raised.

Readopted Concurrent Proposal R.1986 d.395, effective October 6, 1986.

See: 18 New Jersey Register 1490(a), 18 New Jersey Register 2015(c).

Emergency Amendment, R.1987 d.304, effective June 25, 1987 (operative July 1, 1987, expires August 24, 1987).

See: 19 New Jersey Register 1331(a).

Adoption of Concurrent Proposal as R.1987 d.375, effective August 24, 1987.

See: 19 New Jersey Register 1331(a), 19 New Jersey Register 1738(b).

Provisions of emergency amendment R.1987 d.304 readopted without change.

Emergency amendment, R.1988 d.512, effective September 30, 1988 (operative October 1, 1988, expires November 29, 1988).

See: 20 New Jersey Register 2592(a).

Adoption of concurrent proposal R.1989 d.1, effective November 29, 1988.

See: 20 New Jersey Register 2592(a), 21 New Jersey Register 21(a).

Provisions of emergency rule R.1988 d.512 readopted without change.

Emergency amendment, R.1989 d.533, effective September 22, 1989 (expires November 21, 1989).

See: 21 New Jersey Register 3316(a).

Maximum allowable income raised to conform to Federal requirements.

Adopted concurrent proposal, R.1989 d.606, effective November 21, 1989.

See: 21 New Jersey Register 3316(a), 21 New Jersey Register 3918(b).

Provisions of emergency amendment R.1989 d.533 readopted without change.

Amended by R.1990 d.437, effective September 4, 1990.

See: 22 New Jersey Register 1670(a), 22 New Jersey Register 2715(a).

Deleted (a) and Table VII, replacing with text explaining annual amounts and publication schedule.

Public Notice: Maximum allowable income revised to conform to Federal requirements.

See: 24 New Jersey Register 3769(b).

Public Notice: Maximum allowable income, effective October 1, 1993.

See: 25 New Jersey Register 5365(a).

Public Notice: Maximum allowable income, effective October 1, 1994.

See: 26 New Jersey Register 3901(a).

Public Notice: 165 percent of poverty level amounts, effective October 1, 1995.

See: *27 New Jersey Register 4919(b)*.

Public Notice: 165 percent of poverty level amounts, effective October 1, 1996.

See: *28 New Jersey Register 4677(b)*.

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 1998.

See: *30 New Jersey Register 3866(a)*.

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 1999.

See: *31 New Jersey Register 3135(b)*.

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 2000.

See: *32 New Jersey Register 3667(b)*.

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 2001.

See: *33 New Jersey Register 3556(a)*.

Public Notice: Food stamp eligibility, deduction and coupon allotment standards.

See: *34 New Jersey Register 3544(a)*.

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Title 10, Chapter 87, Subchapter 13 -- Subchapter Notes

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§ 10:87-13.1 Authority and purpose

(a) The State SNAP Minimum Benefit Program is established in the New Jersey Department of Human Services, Division of Family Development, as authorized pursuant to *N.J.S.A. 44:10-111*.

(b) The purpose of the State SNAP Minimum Benefit Program is to reduce hunger and improve nutrition among NJ SNAP recipients by increasing their ability to purchase food and meet their nutritional needs.

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§ 10:87-13.2 Eligibility and benefit amount

(a) NJ SNAP households whose monthly Federally funded SNAP benefit is less than $ 95.00 shall receive a monthly State SNAP supplement equal to the difference between the household's Federally funded monthly benefit and $ 95.00. The State SNAP supplement shall be provided in addition to the Federal SNAP benefit.

1. If Federal SNAP funds become available to pay NJ SNAP households a comparable SNAP supplement, Federal SNAP funds shall be used first, before any State funds are spent.

(b) To be eligible for the State SNAP Minimum Benefit Program, a household must meet all eligibility requirements of the NJ SNAP.

(c) The household must be certified for a full month of participation in the Federal SNAP, with a full monthly benefit amount of at least one dollar, but less than $ 95.00 per month, to be eligible for the State program. Households are eligible for the State supplement only in months where the household receives a full monthly Federal SNAP allotment. Prorated monthly allotments are not eligible for a State SNAP supplement.

(d) A household eligible for the State SNAP Minimum Benefit Program shall be automatically enrolled in the program. No separate application besides the standard NJ SNAP application is required.

(e) The State SNAP supplement is calculated before any allotment reduction for recoupment of overpayments. The amount of the State SNAP supplement is determined by subtracting the amount of the household's Federal SNAP monthly benefit, before any overpayment recoupments have been applied, from $ 95.00.

(f) If a household becomes ineligible for Federal SNAP benefits, eligibility for the State SNAP supplement ends at the same time.

N.J.A.C. 10:87-13.3

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§ 10:87-13.3 Benefit distribution and use

(a) The Families First Program rules at *N.J.A.C. 10:88*, including, but not limited to, those concerning the distribution, use, and expungement of NJ SNAP benefits, shall apply to the State SNAP supplement to the greatest extent practicable.

(b) The State SNAP supplement shall be distributed to a household on their Families First EBT account.

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N.J.A.C. 10:87-13.4

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§ 10:87-13.4 Applicability of Federal SNAP rules

The State SNAP Minimum Benefit Program shall be subject to the State rules and procedures that implement the Federal SNAP to the greatest extent practicable. The State SNAP supplement must be used solely for the purchase of food, as defined by Federal SNAP law.

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N.J.A.C. 10:87, Appx. A

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APPENDIX A

FISCAL MANAGEMENT

SECTION A Technical requirements and specifications

The Division of Family Development is responsible for designing, implementing and monitoring fiscal management procedures which ensure the security and control of NJ SNAP Electronic Benefits Transfer (EBT).

The Office of Budget and Financial Management/NJ SNAP program Fiscal Office operating requirements in Appendix A are unique to the State of New Jersey NJ SNAP program fiscal administration. County Welfare Agencies (CWAs) are encouraged to submit suggestions to improve this Appendix to:

Supervisor

NJ SNAP program Fiscal Office

Office of Budget and Financial Management

Division of Family Development--PO Box 716

Trenton, N.J. 08625

1. Terms applicable to fiscal operations and their definitions are as follows:

(A) EBT: The system currently in use to provide NJ SNAP benefits electronically to the NJ SNAP recipients.

(B) eFunds: The current contractor for processing Electronic Benefits in New Jersey, eFunds Corporation.

(C) POS Terminals: The Point of Sale terminals currently in use by retailers to process the NJ SNAP benefits cashed by the NJ SNAP recipients.

(D) EBT Administrative Terminal: The software application provided by eFunds and used by CWAs to issue expedited NJ SNAP benefits online.

(E) EBT On-Line Microfiche Terminals: The application provided by eFunds and used by CWAs and State NJ SNAP program staff and other Offices to access various EBT reports provided by eFunds.

(F) Settlement: The amount of NJ SNAP benefits that are processed during a merchant's preset Automated Clearing House cut off time for a business day.

(G) FRB: The Federal Reserve Bank.

(H) AMA: Account Management Agent maintained at the FRB for New Jersey. All daily NJ SNAP authorizations by the Family Assistance Management Information System (FAMIS) are sent to AMA by eFunds.

(I) ASAP: Automated Standard Application for Payment maintained at the United States Treasury for New Jersey. NJ SNAP funds are authorized in ASAP by AMA and withdrawn by eFunds for the amount of benefits settled each day.

(J) Cutoff dates: The dates by which all FAMIS A and B forms must be submitted to the Office of Information and Technology (OIT) Data Center to be included in the current updating operation.

(K) Master file: The file maintained at the OIT Data Center which contains information relating to all NPA/PA cases which are in active status in the computer system.

(L) Sort: Sequencing of information on computer printouts by the computer program.

(M) Work record: The record maintained at the OIT Data Center which contains information relating to the current month issuance. All data that clears the various edit programs will become integrated into the FAMIS Master File with the exception of replacement data.

2. Retention of fiscal records: Retention rules for NJ SNAP program fiscal records at the CWA are divided into two categories:

(A) Category I: Computer operations source documents: FAMIS A and B source documents used for terminal input are to be retained for a period of three months after terminal entry. Copies of both are to be filed in the case record and must be retained in accordance with the case record retention schedule.

(B) Category II: Computer printouts: All originals of printout documents shall be retained for three years.

(C) Approval and destruction: Approval for destruction of documents must be received from the Bureau of Archives and History by completing Form ED-6. Actual destruction through incineration or shredding is mandatory.

NOTE: Category II documents listed above shall not be destroyed if the CWA has been instructed in writing by DFD (or the United States Department of Agriculture/Food and Nutrition Service) to retain them.

(D) The State/CWAs are required to complete form FNS-135, Affidavit of Return or Exchange of Food Coupons, when NJ SNAP recipients repay their NJ SNAP claims using existing EBT NJ SNAP benefits.

SECTION B Data Processing Services

APPENDIX A

1. The computer generated documents provided for CWA management of fiscal operations of the NJ SNAP program is as follows:

CWA Action

Document Number	**Title**	**Required**	**Source**	**Produced**
CI 909-01	NJ SNAP Replacements Issued	Yes	Form A	The 10th of the month after transaction month
FC 072-01	NJ SNAP Authorizations Issued (Monthly)	No	Form A	The 4th working day prior to month
CI 940-01 CI 940-02 FC 072-03	NJ SNAP Authorizations Issued (Daily)	No	Form A	Daily
FC 072-04	NJ SNAP Authorizations Issued (Cumulative Daily)	No	Form A	The 10th of the month following transaction month end
CI 900-01	List of Transaction Errors	No	Form A	Daily

History

HISTORY:

New Rule R.1989 d.121, effective February 21, 1989.

See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).

Amended by R.1990 d.565, effective November 19, 1990.

See: 22 N.J.R. 2219(a), 22 N.J.R. 3486(a).

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Required the Division of Economic Assistance or the CWAs to complete Form FNS-135, Affidavit of Return or Exchange of Food Coupons, when forwarding returned coupons to the United States Department of Agriculture.

Amended by R.1991 d.247, effective May 6, 1991.

See: 23 N.J.R. 179(a), 23 N.J.R. 1412(b).

Revised text throughout to distinguish procedures for glued and/or stapled coupon booklets. Added new 3(B)(4).

Repeal and New Rule, R.2004 d.181, effective May 17, 2004.

See: *36 N.J.R. 28(a)*, *36 N.J.R. 2425(a)*.

Administrative change.

See: *44 N.J.R. 1529(a)*.

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