

be a citizen of the United States to be eligible for the Lifeline Programs and sets forth the requirements for documenting Social Security Title II disability status. The subchapter provides the utility information that must be documented to the Department to qualify for the Lifeline Credit Program, as well as the requirement that the name and address of a beneficiary’s landlord be provided to the Department in order to qualify for the Tenants Lifeline Assistance Program. The subchapter sets forth eligibility applications, including how the Department disseminates applications, which application forms must be completed by applicants, and provides that the Department determines eligibility from completed applications. It requires applicants to provide a Social Security Account Number (SSAN) to the Department, and establishes that in cases where an applicant does not have an SSAN, they will be assigned a unique identifying number by the Department. It provides that no application will be processed unless the applicant certifies that their application is accurate by signing and dating the certification, and indicates that by signing the certification and authorization statement on the application, the applicant authorizes the Department to verify any information on the application and agrees to visitation and review by representatives of the Department. The subchapter provides that the Lifeline Credit shall be applied to the beneficiary’s utility account and remain there until it is used or the account is terminated. Lastly, the subchapter provides that an applicant may request a hearing in the Office of Administrative Law when the Department determines that an applicant is ineligible and describes the appeal process.

Subchapter 5, Recoveries, defines benefits incorrectly paid and specifies the types of action that may be taken by the Department to recover payments or credits paid to an ineligible beneficiary, specifies certain rights and obligations of public utilities with regard to benefits illegally obtained, as well as provides that applicants and beneficiaries may contest eligibility determinations and recoveries through the Office of Administrative Law.

The chapter appendix includes the Tenant Verification form for PAAD, Lifeline, and Special Benefits Programs.

While the Department is readopting these rules, it recognizes that further rulemaking may be necessary to update these rules to reflect current practices. Thus, the Department will continue to review the rules and may consider making substantive amendments prior to the next scheduled expiration.

The Department has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purposes for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 10:167D is readopted and shall continue in effect for seven years.

(a)

DIVISION OF AGING SERVICES

**Notice of Readoption
Hearing Aid Assistance to the Aged and Disabled
Readoption: N.J.A.C. 10:167E**

Authority: N.J.S.A. 30:4D-41, 52:14C-1 et seq., and 52:14D-1 et seq.; and Reorganization Plan No. 001-1996.

Authorized By: Sarah Adelman, Commissioner, Department of Human Services.

Effective Date: July 2, 2024.

New Expiration Date: July 2, 2031.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 10:167E were scheduled to expire on August 18, 2024. N.J.A.C. 10:167E establishes the rules governing Hearing Aid Assistance to the Aged and Disabled (HAAAD).

The following is a summary of the subchapters at N.J.A.C. 10:167E:

Subchapter 1, General Provisions, sets forth the purpose and intent of the chapter, the scope of service, the target population, and the legal authority.

Subchapter 2, Definitions, provides the definitions of terms used in the chapter as they pertain to HAAAD, as well as the requirements that must be met for establishing a special needs trust.

Subchapter 3, Administrative Organization, addresses the designation of the Department of Human Services (the Department) as the controlling administrative unit over HAAAD, as well as establishing PAAD as the unit responsible for processing eligibility applications and authorizing HAAAD benefit payments, the requirement of the Commissioner to establish operating policies to expedite application processing and ensure compliance with program standards, as well as establishes the Division of Medical Assistance and Health Services (DMAHS) as the Division responsible for investigating matters of potential fraud or abuse.

Subchapter 4, Application Process, sets forth the process to apply for HAAAD, including general provisions, the recognition of authorized agents, the responsibilities of the PAAD unit, as well as the responsibilities of the applicant and subsequent beneficiary.

Subchapter 5, Eligibility Requirements, establishes eligibility standards, dictates acceptable forms of primary and secondary proofs of age, provides income standards and which sources of income are included and excluded when considering eligibility, provides citizenship and residence requirements, establishes HAAAD as the payer of last resort, requires the applicant to certify and authorize the application, sets forth the eligibility period, details how recoveries are made when benefits are incorrectly paid, and establishes the appeal process when PAAD determines that an applicant is ineligible for HAAAD benefits.

While the Department is readopting these rules, it recognizes that further rulemaking may be necessary to update these rules to reflect current practices. Thus, the Department will continue to review the rules and may consider making substantive amendments prior to the next scheduled expiration.

The Department has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purposes for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 10:167E is readopted and shall continue in effect for seven years.

(b)

**DIVISION OF FAMILY DEVELOPMENT
Notice of Administrative Change
Social Services Programs—Personal Needs
Allowance**

N.J.A.C. 10:123-3.4

Effective Date: July 2, 2024.

Take notice that, the Division of Family Development (Division) is changing the rate of the personal needs allowance reserved by the owner or operator for Supplemental Security Income (SSI) recipients and Work First New Jersey/General Assistance (WFNJ/GA) recipients living in residential health care facilities or boarding homes. The personal needs allowance is used to purchase personal items that may include clothing, hygiene items, reading materials, or other items that are not provided by the facility in which an individual resides. The personal needs allowance amounts are determined using a calculation at N.J.A.C. 10:123 that is tied to the SSI Federal benefit rate, which is adjusted annually according to the Federal cost-of-living increase.

SSI Federal benefit rates are impacted by a recipient’s living arrangement. The Social Security Administration (SSA) uses four living arrangement categories when determining payment amounts. Residential health care facilities and boarding homes are different living arrangement categories, resulting in differing SSI benefits and personal needs allowances.

The rates being changed in this notice impact recipients living in boarding homes and residential health care facilities. The rule is being changed to reflect that a personal needs allowance in the amount of at least \$142.00 per month will be reserved for recipients living in boarding homes. The personal need allowance reserved for recipients living in residential health care facilities is being amended to at least \$155.00,

although that change is not directly reflected in the rule below. The rate increases reflect the 2023 Federal Social Security cost-of-living increase of 8.7 percent, the 2024 Federal Social Security cost-of-living increase of 3.2 percent, and the calculation set forth at N.J.A.C. 10:123-3.4(b). The Division had not previously published the 2023 cost-of-living increase, therefore, the \$126.00 amount from 2022 is now updated to reflect both the 2023 increase (to \$137.00) and the 2024 increase. The Division intends to make substantive proposed amendments to this rule in the future to provide better clarity as to the difference between the personal needs allowance dollar amounts reserved for SSI recipients, as well as for WFNJ/GA recipients.

This notice is being given to inform the public that the Division of Family Development increased the rate of the personal needs allowance amounts effective January 1, 2024, for SSI recipients and WFNJ/GA recipients living in residential health care facilities and for SSI recipients living in boarding homes. This increase is based on the total 2024 Federal Social Security cost-of-living increase.

Full text of the changed rule follows (addition indicated in boldface **thus**; deletion indicated in brackets [thus]):

SUBCHAPTER 3. PERSONAL NEEDS ALLOWANCE

10:123-3.4 Amount

(a) The owner or operator of each residential health care facility or boarding home shall reserve to each Supplemental Security Income (SSI) recipient residing therein, and the owner or operator of each residential health care facility shall reserve to each Work First New Jersey/General Assistance recipient residing therein, a personal needs allowance in the amount of at least \$[126.00] **142.00** per month, set according to (b) below, and noticed in the New Jersey Register and otherwise publicized, in accordance with (c) below. No owner or operator, or agency thereof, shall interfere with the recipient's retention, use, or control of the personal needs allowance.

(b)-(c) (No change.)

LAW AND PUBLIC SAFETY

(a)

DIVISION OF STATE POLICE

Uniform Crime Reporting System

Readoption with Amendments: N.J.A.C. 13:57

Proposed: April 1, 2024, at 56 N.J.R. 459(a).

Adopted: June 17, 2024, by Colonel Patrick J. Callahan, Office of the Superintendent, Division of State Police, with the approval of Matthew J. Platkin, Acting Attorney General.

Filed: July 2, 2024, as R.2024 d.071, **without change**.

Authority: N.J.S.A. 52:17B-5.1.

Effective Date: July 2, 2024, Readoption;
August 5, 2024, Amendments.

Expiration Date: July 2, 2031.

Summary of Public Comment and Agency Response:

The official comment period ended May 31, 2024. **No comments were received.**

Federal Standards Statement

The rules readopted with amendments are not subject to any Federal standards or requirements. Therefore, a Federal standards analysis is not required.

Full text of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:57.

Full text of the adopted amendments follows:

SUBCHAPTER 1. GENERAL PROVISIONS

13:57-1.2 Reports to Attorney General (State Police to act as collecting agency); types of forms; by whom; when submitted

(a) A law enforcement agency shall submit reports, Summary Reporting System data, and National Incident-Based Reporting System data, electronically to the Uniform Crime Reporting (UCR) in the New Jersey State Police UCR Repository website. If the law enforcement agency does not have access to the New Jersey State Police UCR repository, the agency shall submit this information through an electronic interface from the law enforcement agency's records management system prescribed by the New Jersey State Police UCR Program.

(b)-(k) (No change.)

TRANSPORTATION

(b)

MOTOR VEHICLE COMMISSION

Notice of Readoption

Driving Schools

Readoption: N.J.A.C. 13:23

Authority: N.J.S.A. 39:2-3, 39:2A-28, 39:12-1 et seq., and 39:12-4.

Authorized By: Latrecia Littles-Floyd, Acting Chair and Chief Administrator, Motor Vehicle Commission.

Effective Date: July 10, 2024.

New Expiration Date: July 10, 2031.

Take notice that the rules at N.J.A.C. 13:23 were scheduled to expire on August 23, 2024. Pursuant to N.J.S.A. 52:14B-5.1.c(1), the Motor Vehicle Commission (Commission) readopts the provisions at N.J.A.C. 13:23 without change.

The rules at N.J.A.C. 13:23 implement the provisions at N.J.S.A. 39:12-1 et seq., which provide for the licensing of businesses engaged in driving instruction, the licensing of instructors employed by such businesses, and the administration of State-approved written drivers' examinations and State-approved eye examinations by driving schools. The rules implement the public policy of this State as set forth at N.J.S.A. 39:12-1 et seq., by establishing licensing standards for driving schools and driving school instructors and setting forth guidelines for transactions between a driving school and persons seeking driving instruction.

N.J.A.C. 13:23 sets forth rules on the following topics: N.J.A.C. 13:23-1 pertains to key words and definitions of the rules; N.J.A.C. 13:23-2 pertains to the licensing and operation of driving schools; N.J.A.C. 13:23-3 pertains to the licensing and conduct of driving school instructors; N.J.A.C. 13:23-4 pertains to driving school classrooms; and N.J.A.C. 13:23-5 pertains to the administration of State-approved written drivers' examinations and State-approved eye examinations by driving schools.

The Commission has carefully considered these rules and has determined that the chapter remains necessary, proper, reasonable, efficient, understandable, and responsive to the purposes for which it was originally promulgated, as amended and supplemented over time, and should be readopted without amendment.

Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.