

## (a)

**DIVISION OF FAMILY DEVELOPMENT****New Jersey Supplemental Nutrition Assistance Program (NJ SNAP)****Elimination of the Supplemental Nutrition Assistance Program (SNAP) Family Cap Provisions****Adopted Amendments: N.J.A.C. 10:87-2.32 and 5.7**

Proposed: April 7, 2025, at 57 N.J.R. 647(a).

Adopted: August 18, 2025, by Sarah Adelman, Commissioner,  
Department of Human Services.

Filed: August 18, 2025, as R.2025 d.108, **without change**.

Authority: N.J.S.A. 30:1-12; and P.L. 2020, c. 99.

Effective Date: September 15, 2025.

Expiration Date: November 16, 2029.

**Summary of Public Comment and Agency Response:**

The official comment period ended June 6, 2025. The Division of Family Development received one comment from Jean Public.

COMMENT: Jean Public commented on the public's general disapproval of the elimination of the family cap and expressed concern about increased program costs.

RESPONSE: Jean Public's comments are beyond the scope of this rulemaking. P.L. 2020, c. 99 removed the family cap from the statute. These amendments delete outdated references. Additionally, New Jersey Supplemental Nutrition Assistance Program (NJ SNAP) benefits were not impacted by the family cap.

**Federal Standards Statement**

The Department of Human Services has reviewed the applicable Federal laws and regulations and that review indicates that the adopted amendments impact the NJ SNAP program. The adopted amendments do not exceed Federal standards, including those at 7 CFR 272 and 7 CFR 273; therefore, a Federal standards analysis is not required for this rulemaking.

**Full text** of the adoption follows:

**SUBCHAPTER 2. THE APPLICATION PROCESS****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.-4. (No change.)

(b)-(s) (No change.)

**SUBCHAPTER 5. FINANCIAL ELIGIBILITY; INCOME****10:87-5.7 Special income situations**

(a)-(b) (No change.)

(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.-2. (No change.)

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.-10. (No change.)

(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. (No change.)

Recodifying existing 3.-5. as 2.-4. (No change in text.)

## (b)

**DIVISION OF FAMILY DEVELOPMENT****New Jersey Supplemental Nutrition Assistance Program (NJ SNAP)****Eligibility Factors Other Than Need****Adopted Amendment: N.J.A.C. 10:87-3.17**

Proposed: March 17, 2025, at 57 N.J.R. 522(a).

Adopted: August 18, 2025, by Sarah Adelman, Commissioner,  
Department of Human Services.

Filed: August 18, 2025, as R.2025 d.110, **without change**.

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

Effective Date: September 15, 2025.

Expiration Date: November 16, 2029.

**Summary of Public Comment and Agency Response:**

The official comment period ended May 16, 2025. **The Division of Family Development received no comments.**

**Federal Standards Statement**

The Department of Human Services has reviewed the applicable Federal laws and regulations and that review indicates that the adopted amendments impact the New Jersey Supplemental Nutrition Assistance Program. The adopted amendment does not exceed Federal standards, including those at 7 CFR 272 and 7 CFR 273; therefore, a Federal standards analysis is not required for this rulemaking.

**Full text** of the adoption follows:

**SUBCHAPTER 3. ELIGIBILITY FACTORS OTHER THAN NEED****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