

**HUMAN SERVICES**

**DIVISION OF FAMILY DEVELOPMENT**

**Work First New Jersey/Temporary Assistance for Needy Families Program**

**New Jersey Supplemental Nutrition Assistance Program**

**Early Employment Initiative**

**Proposed Amendments: N.J.A.C. 10:87-5.9 and 10:90-1.2, 2.1, and 5.9**

**Proposed Repeals: N.J.A.C. 10:90-17**

Authorized By: Elizabeth Connolly, Acting Commissioner, Department of Human Services.

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

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2016-095.

Submit comments by August 19, 2016, to:

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The agency proposal follows:

**Summary**

As the Department of Human Services (Department) is providing a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

The Early Employment Initiative (EEI) was created to divert certain Work First New Jersey/Temporary Assistance for Needy Families (WFNJ/TANF) individuals away from receipt of ongoing cash assistance and toward unsubsidized employment by providing a lump sum payment and job search/placement resources during the application processing period in the hopes that these individuals would secure employment prior to the granting of WFNJ/TANF benefits.

The Work Participation Rate (WPR) is a Federally monitored performance indicator in the TANF program. The WPR tracks a state's success rate in engaging a target share of families receiving assistance in a specific list of countable work activities for at least 30 hours a week (20 hours a week for single parents with one or more children under six). States are required to maintain a WPR of 50 percent or higher. Failure to maintain that rate puts the state at risk of losing Federal funding for the TANF program.

The EEI program has not been funded in several years and there are no plans to fund the program because the EEI program had a negative impact on New Jersey's WPR. Due to the adverse effect and lack of funding for the EEI program, the Department is deleting the EEI program.

The EEI population remains eligible to apply for WFNJ/TANF benefits and would be enrolled in an appropriate WFNJ/TANF work activity along with any necessary supportive services. If the parent is able to secure employment, he or she will have access to all WFNJ/TANF supports, earned income disregards, and post-TANF benefits, and the hours of

employment will be factored into the WPR until such time as the family is no longer eligible for WFNJ.

N.J.A.C. 10:90-17, Early Employment Initiative (EEI), is proposed for repeal for the reasons stated above. Further, N.J.A.C. 10:87-5.9(a)14ii, dealing with the treatment of an EEI payment, N.J.A.C. 10:90-1.2(f)2 is proposed for amendment to delete reference to the EEI program, and N.J.A.C. 10:90-2.1(b)1 and 5.9(d) are proposed for deletion as the EEI program is being deleted.

### **Social Impact**

The proposed amendments and repeals will have no social impact since the individuals that would have been eligible to participate in the EEI will be able to receive the same benefits and services through the WFNJ/TANF program.

### **Economic Impact**

The proposed amendments and repeals will have no economic impact since the EEI program has not been funded for the past three years, and the individuals that would have been eligible to participate in EEI will be able to receive the same benefits and services through the WFNJ/TANF program.

### **Federal Standards Statement**

The proposed amendments and repeals contain standards that do not exceed those contained in 45 CFR Part 260, Temporary Assistance for Needy Families and 7 CFR Part 273, the Supplemental Nutrition Assistance Program. Therefore, a Federal standards analysis is not required.

### **Jobs Impact**

The proposed amendments and repeals will not result in the generation or loss of jobs.

### **Agriculture Industry Impact**

The proposed amendments and repeals will have no impact on the agriculture industry.

### **Regulatory Flexibility Statement**

The proposed amendments and repeals have been reviewed with regard to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments and repeals impose no reporting, recordkeeping, or other compliance requirements on small businesses and thus a regulatory flexibility analysis is not required. The proposed amendments and repeals govern a public assistance program designed to assist individuals, with at least one child, to become economically self-sufficient.

### **Housing Affordability Impact Analysis**

The proposed amendments and repeals will have an insignificant impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the proposed amendments and repeals govern a public assistance program designed to assist individuals, with at least one child, to become economically self-sufficient.

### **Smart Growth Development Impact Analysis**

The proposed amendments and repeals will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the proposed amendments and repeals govern a public assistance program designed to assist individuals, with at least one child, to become economically self-sufficient.

**Full text** of the rules proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 10:90-17.

**Full text** of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

## CHAPTER 87

### NEW JERSEY SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (NJ SNAP)

#### MANUAL

#### SUBCHAPTER 5. FINANCIAL ELIGIBILITY; INCOME

##### 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.-13. (No change.)

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.-19 (No change.)

## CHAPTER 90

### WORK FIRST NEW JERSEY PROGRAM

#### SUBCHAPTER 1. GENERAL PROVISIONS

##### 10:90-1.2 Opportunity and decision to apply

(a)-(e) (No change.)

(f) Responsibilities of the county or municipal agency during the initial contact shall include, but not be limited to:

1. (No change.)

2. Providing an orientation to the WFNJ program to each applicant for assistance to explain the need for each individual to comply with WFNJ work requirements as a condition of eligibility for WFNJ benefits, unless deferred. All WFNJ applicants unless they are 60 years old or over, a victim of family violence, **or** a child-only case[, or EEI eligible] are required to register for work with the New Jersey One-Stop Career Center (NJOSCC);

i. (No change.)

3.-10. (No change.)

## SUBCHAPTER 2. NON-FINANCIAL ELIGIBILITY REQUIREMENTS

### 10:90-2.1 General provisions

(a) (No change.)

(b) Eligibility for WFNJ is based upon certain criteria including, but not limited to, age, relationship, CSP cooperation, cooperation with work requirements, citizenship/eligible alien status, residence in the State, county, and municipality and financial need.

[1. In addition to the conditions of eligibility for WFNJ/TANF at N.J.A.C. 10:90-2.2, participation in the Early Employment Initiative (EEI) program is a condition of eligibility for those WFNJ/TANF applicant families which meet the EEI eligibility criteria for participation in accordance with the EEI provisions set forth at N.J.A.C. 10:90-17.]

(c) (No change.)

## SUBCHAPTER 5. SUPPORTIVE SERVICES

### 10:90-5.9 Medicaid extension (employment-related)

(a)-(c) (No change.)

[(d) Persons who secure employment through the Early Employment Initiative (EEI) program (see N.J.A.C. 10:90-17) may be eligible for 24 months of extended Medicaid benefits.]

Recodify existing (e)-(h) as **(d)-(g)** (No change in text.)

## **SUBCHAPTER 17. (RESERVED)**