

ADMINISTRATIVE LAW

HUMAN SERVICES

OFFICE OF ADMINISTRATIVE LAW

DIVISION OF FAMILY DEVELOPMENT

Special Hearing Rules

Work First New Jersey Program

Family Development Hearings

Emergency Fair Hearings

Jointly Proposed Amendments: N.J.A.C. 1:10-12.2 and 10:90-9.17

Authorized By: Barry E. Moscovitz, Acting Director, Office of Administrative Law, and Sarah Adelman, Commissioner, Department of Human Services.

Authority: N.J.S.A. 30:1-12 and 52:14F-5.e, f, and g.

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

Proposal Number: PRN 2025-099.

Submit comments in writing by October 17, 2025, to:

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AND

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The agency proposal follows:

Summary

The Office of Administrative Law (OAL) and Department of Human Services (Department) jointly propose amendments at N.J.A.C. 1:10-12.2 and 10:90-9.17 to delete the reference to exceptions by telephone. For many years, the standard practice of the Division of Family Development (Division) has been to accept exceptions to initial decisions in writing only because exceptions must be made part of the record. The OAL and the Department now seek to make the rule reflect present practice. The Department and OAL also jointly propose technical amendments to update official titles.

As the Department of Human Services and the OAL are providing a 60-day comment period for 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.

Social Impact

The jointly proposed amendments impact the rules governing the fair and efficient emergent hearing process for resolution of issues arising at the Division. Updating the language to reflect the current practice of the Division better informs the public and the legal community about the conduct of these cases following an initial decision. The jointly proposed amendments will better reflect that the current practice of the Division is to accept exceptions to initial decisions in writing only.

Economic Impact

The jointly proposed amendments will have no economic impact, beyond the cost of transmitting the exceptions in writing.

Federal Standards Statement

The jointly proposed amendments implement the Administrative Procedure Act, N.J.S.A. 52:14B-1 and 52:14F-1 et seq. They also implement Federal regulations at 7 CFR 273.15, 7 CFR 273.16, and 45 CFR 205.10, regarding fair hearings and Federal assistance programs. The requirements of these rules are the same as those imposed by Federal law. Therefore, a Federal standards analysis is not required.

Jobs Impact

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

Agriculture Industry Impact

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

Regulatory Flexibility Statement

The jointly proposed amendments have been reviewed regarding consideration of the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., and the proposed amendments impose no reporting, recordkeeping, or other compliance requirements on small businesses, as the rules only apply to individuals; therefore, a regulatory flexibility analysis is not required.

Housing Affordability Impact Analysis

The jointly proposed amendments will have no impact on the affordability of housing in New Jersey. It is highly unlikely that the jointly proposed amendments would evoke a change in the average costs associated with housing, as the rules concern filing exceptions to emergent case hearings before the Division.

Smart Growth Development Impact Analysis

The jointly proposed amendments will have no impact on smart growth and there is an extreme unlikelihood that the proposed amendments would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey, as the rules concern filing exceptions to emergent case hearings before the Division.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole practices concerning adults and juveniles in the State. Accordingly, no further analysis is required.

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

CHAPTER 10

FAMILY DEVELOPMENT HEARINGS

SUBCHAPTER 12. CONTINUED ELIGIBILITY; EMERGENCY FAIR HEARINGS

1:10-12.2 Emergency fair hearings in TANF or General Assistance cases

(a) When DFD determines that a request for hearing should be scheduled as an emergency fair hearing:

1.-4. (No change.)

5. The petitioning applicant/recipient, his or her representative or the [CWA] **county social services agency** or MWD may, [by telephone] **in writing**, make exception or objection to the initial decision, to the DFD no later than the first **business** day following the issuance of the initial decision.

6. (No change.)

CHAPTER 90

WORK FIRST NEW JERSEY PROGRAM

SUBCHAPTER 9. NOTICES AND HEARINGS IN WFNJ

10:90-9.17 Emergency fair hearings

(a) (No change.)

(b) When it is determined that a request for hearing should be scheduled as an emergency fair hearing:

1.-4. (No change.)

5. Only in emergency fair hearings may the applicant/recipient, his or her representative, or the county or municipal agency take exception or object to the [Initial Decision by a telephone call] **initial decision, in writing**, to the DFD no later than the first business day following the issuance of the [Initial Decision] **initial decision**.

6. The [Director] **Assistant Commissioner** of the DFD shall issue a final decision no later than three business days following the date the [Initial Decision] **initial decision** is received, which shall accept, reject, or modify the [Initial Decision] **initial decision**. On the day the final decision is issued, the DFD shall notify the county or municipal agency, and the petitioner or the petitioner's representative [by telephone], **in writing**, of the final decision, and any relief ordered shall be provided by the county or municipal agency on the day notice of the final decision is received.