

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 food stamps in the near future.

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".

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 six-month certification period would include January through June. Upon recertification, the certification period will begin with the month following the last month of the previous certification period.

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.

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 food stamp certification periods expire in conjunction with the scheduled redetermination of WFNJ assistance. Specific food stamp 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 food stamp 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 CWA 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 food stamp recertifica-

tion 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.

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).

10:87-6.24 Shortening certification periods

The CWA shall not end a household's certification period earlier than its assigned termination date, unless the CWA 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 CWA 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 CWA may not use the Notice of Expiration to shorten a certification period.

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.

10:87-6.25 Lengthening certification periods

The CWA 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 CWA 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.

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

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

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 six month 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 six month 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 and migrant workers 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 six 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 six months and put on six-month reporting. Six-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 (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 CWA shall make one contact with the household 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.

(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 six 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 six month reporting.

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.

SUBCHAPTER 7. SPECIAL INCOME CIRCUMSTANCES

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.

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. 10:87-6" for "subchapter 6".

10:87-7.2 Self-employment income

(a) The CWA 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 CWA 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.

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

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

SUBCHAPTER 8. FAIR HEARINGS

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 CWA 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.

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).

10:87-8.2 CWA responsibility to provide fair hearing information

The CWA shall make Form FSP-196, "Fair Hearings in the Food Stamp Program", available to any interested party upon request.

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.

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 CWA was directed to reduce benefits. CWAs will only refer those requests which qualify for a fair hearing to the Bureau of Administrative Review and Appeals (BARA).

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).

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 CWA or which indicates a desire to present the case to a higher authority shall be construed as a request for a fair hearing.

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".

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 CWA 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 CWA 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 CWA, 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) CWAs shall conduct pre-hearing settlement conferences concerning Food Stamp Program appeals, except for IPV issues, in accordance with the following procedures:

1. The CWA shall contact the appellant to schedule a Pre-Hearing Settlement Conference (PHSC) within five working days as soon as the CWA 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 CWA will initiate the procedure

upon notification of the request by DFD but not later than one day from receipt of the request.

2. The CWA Fair Hearing Liaison shall preside over the pre-hearing settlement conference and act as a mediator between the appellant and other appropriate CWA staff.

3. The CWA shall report the disposition of each food stamp 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 CWA official.

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.

10:87-8.5 Time period for request of a hearing

A household may request a hearing on any action by the CWA or loss of benefits which occurred in the prior 90 days. Action by the CWA 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 CWA 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 food stamp eligibility or benefits were improperly computed or that Federal law or regulation is being misapplied or misinterpreted by the CWA.

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.

10:87-8.6 Processing fair hearing requests

(a) To assure orderly and expeditious processing of complaints and fair hearing requests, the CWA and Division of Family Development (DFD) shall proceed in the following manner:

1. The CWA 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 CWA 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 CWA 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 CWA 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 CWA to be contacted regarding matters relating to hearings.

3. The CWA 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 CWA may request that the household clarify its grievance.

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).

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

Recodified and substantially amended from 11.27.

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

Rewrote (b).

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 "Collecting intentional program violation claims".

10:87-11.30 (Reserved)

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).

Text formerly codified at 10:87-11.27, deleted and replaced.

Amended by R.1988 d.173, effective April 18, 1988.

See: 20 N.J.R. 162(c), 20 N.J.R. 903(c).

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).

Recodified from 11.28.

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 "Changes in household composition".

10:87-11.31 (Reserved)

Amended by R.1979 d.422, effective October 18, 1979.

See: 11 N.J.R. 379(a), 11 N.J.R. 559(d).

Amended by 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 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 N.J.R. 2134(b), 16 N.J.R. 550(a).

(a)7, other collection action, added.

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

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

(a)3ii(5) 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 11.29 and 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).

Added new Subsection (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) and (d).

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 "Methods of collection".

10:87-11.32 (Reserved)

New Rule, R.1989 d.121, effective February 21, 1989.

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

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 "Interstate claims collection".

10:87-11.33 (Reserved)

New Rule, R.1989 d.121, effective February 21, 1989.

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

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 "CWA reporting requirements for incorrect issuances".

SUBCHAPTER 12. TABLES

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).

10:87-12.1 Income deductions

(a) The Standard Deduction shall be that calculated by the United States Department of Agriculture pursuant to 7 CFR 273.9(d)(7), 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 pursuant to 7 CFR 273.9(d)(8), published annually in the Federal Register, pursuant to 7 CFR 273.9(d)(5), and effective October 1 of each year.

(c) The Uniform Telephone Allowance shall be calculated by totaling the Verizon Telephone Company highest regional Flat Rate charge for New Jersey, the FCC subscriber line charge, wire maintenance fees, applicable Federal Tax and the AT & T monthly leasing charge for a touch-tone telephone. Deposit fees are not included in the calculation. As required by 7 C.F.R. 273.9(d)(6), DFD shall review and adjust the Uniform Telephone Allowance on July 1, to be effective October 1 of each year.

(d) The Limited Utility Allowance shall be recalculated annually by DFD effective October 1, in accordance with 7 C.F.R. 273.9(d) and the "Texas" methodology described in USDA Notice No. 79-47, issued May 25, 1979 and shall be the sum of the following:

1. The Major Non-Heating Utility component shall be calculated by collecting data from food stamp households in 1977 and 1978 to ascertain the non-heating utility expenses which those households incurred. The data shall be arranged to project what the 95th percentile of such monthly costs are, thus arriving at a Base Period amount of \$49.00 per month. The Base Period amount shall be updated to reflect projected non-heating major utility costs by using the U.S. Bureau of Labor Statistics' Consumer

Price Indices-Urban "Fuels" item for the New York/Northern New Jersey and Philadelphia metropolitan regions to create an average "New Jersey Consumer Price Index" (NJ CPI-U) which represents major non-heating utility costs incurred in New Jersey urban areas. The 12 NJ CPI-U statistics representing July of the previous year through June of the current year shall be trended (straight line, least squares method) to project the average non-heating index amounts for November of the current year to October of the following year. The comparison of this average to that which existed in 1977 shall produce an inflation adjustment factor to be applied to the average monthly non-heating base cost figure of \$49.00.

2. The Minor Non-Heating Utility component (representing sewerage, garbage, water, and trash) shall be calculated by collecting data from food stamp households in 1977 and 1978 to ascertain the minor non-heating utility expenses which those households incurred. The data shall be arranged to project what the 95th percentile of such costs are, thus arriving at a Base Period amount of \$1.34 per month. The Base Period amount shall be updated to reflect projected minor non-heating utility costs by using the U.S. Bureau of Labor Statistics' Consumer Price Indices-Urban "All Items" item for the New York/Northern New Jersey and Philadelphia metropolitan regions to create an average "New Jersey Consumer Price Index" (NJ CPI-U) which represents minor non-heating utility costs incurred in New Jersey urban areas. The 12 NJ CPI-U statistics representing July of the previous year through June of the current year shall be trended (straight line, least squares method) to project the average minor utility index amounts for November of the current year to October of the following year. The comparison of this average to that which existed in 1977 shall produce an inflation adjustment factor to be applied to the average monthly minor non-heating Base Period amount of \$1.34.

3. The Uniform Telephone Allowance described at N.J.A.C. 10:87-12.1(c) shall be a component of the LUA.

(e) The Heating and Cooling Standard Utility Allowance shall be recalculated annually by DFD effective October 1, in accordance with 7 C.F.R. 273.9(d) and the "Texas" methodology described in USDA Notice No. 79-47, issued on May 25, 1979 and shall be the sum of the following:

1. The Major Heating and Cooling Standard Utility component shall be calculated by collecting data from food stamp households in 1977 and 1978 to ascertain the heating utility expenses which those households incurred. The data shall be arranged to project what the 75th percentile of such monthly costs are, thus arriving at a winter Base

Period amount of \$128.00 to represent November through April monthly utility costs, and a summer Base Period amount of \$44.00 to represent May through October monthly utility costs. Each base period amount shall be updated to reflect heating utility costs by using the U.S. Bureau of Labor Statistics' Consumer Price Indices-Urban "Fuels" item for the New York/Northern New Jersey and Philadelphia metropolitan regions. The six NJ CPI-U statistics for July through December of the previous year shall be trended (straight line, least squares method) to project the average heating index amounts for November of the current year through April of the following year. The six NJ CPI-U statistics for January through June of the following year shall be trended (straight line, least squares method) to project the average heating index amounts for May through October of the following year. Each amount shall be compared to the 1977 base data, thus creating an inflation adjustment factor. Each inflation adjustment factor shall be applied to the appropriate winter or summer Base Period amount. The totals shall be averaged to arrive at the annual Heating and Cooling Standard Utility component.

2. The minor Non-Heating and Cooling Standard Utility component described at N.J.A.C. 10:87-12.1(d)2 shall be included in the HCSUA.

3. The Uniform Telephone Allowance described at N.J.A.C. 10:87-12.1(c) shall be a component of the HCSUA.

(f) The Homeless Shelter Allowance shall be that amount prescribed by the United States Department of Agriculture, as defined at 7 CFR 273.9(d)(5)(i).

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."