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SUBCHAPTER 13. (RESERVED)

APPENDIX A. FISCAL MANAGEMENT

SUBCHAPTER 1. GENERAL PROVISIONS

10:87-1.1 Purpose of NJ SNAP

The NJ SNAP is designed to promote the general welfare and to safeguard the health and well being of the population by raising the levels of nutrition among low-income households.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: 43 N.J.R. 2114(a), 44 N.J.R. 241(a).

Section was "Purpose of Food Stamp Program". Substituted "NJ SNAP" for "Food Stamp Program".

Case Notes

County welfare board's discretion is severely restricted by state and federal regulations. *Battaglia v. Union Cty. Welfare Bd.*, 88 N.J. 48, 438 A.2d 530 (1981) certiorari denied 102 S.Ct. 2045, 456 U.S. 965, 72 L.Ed.2d 490 (1982).

Recipients who illegally receive benefits under the Food Stamp Program are subject to both federal and state criminal sanctions. *Atty.Gen.F.O.1978, No. 2.*

The state and counties are obligated to investigate apparent instances of fraud committed by either employees or recipients of the Food Stamp Program, make demand for the repayment of food stamp coupons issued as a result of fraud or misrepresentation, make an administration determination as to whether the facts warrant referral of the matter to state or federal authorities for prosecution, and refer the matter to such authorities if appropriate. *Atty.Gen.F.O.1978, No. 2.*

10:87-1.1A Abbreviations/acronyms defined

As used in this chapter, the following abbreviations and/or acronyms shall have the following meanings, unless otherwise individually specified.

"ABAWDS" means able-bodied adults without dependents.

"CWA" means county welfare agency.

"DCS" means disregarded child support.

"DFD" means the New Jersey Division of Family Development, in the Department of Human Services.

"EBT" means electronic benefits transfer.

“FAMIS” means the Family Assistance Management Information System.

“FNS” means the USDA, Food and Nutrition Service.

“GA” means the New Jersey General Assistance program.

“HCSUA” means the Heating and Cooling Standard Utility Allowance.

“HUD” means the United States Department of Housing and Urban Development.

“IEVS” means the Income Eligibility Verification System.

“IPV” means intentional Program violation.

“LWD” means the New Jersey Department of Labor and Workforce Development.

“NJ SNAP” or “Program” means the New Jersey Supplemental Nutrition Assistance Program.

“NJ SNAP ETP” means the NJ SNAP Employment and Training Program.

“NPA” means non-public assistance.

“PA” means public assistance.

“SACWIS” means the Statewide Automated Child Welfare Information System.

“SSI” means Supplemental Security Income.

“TANF” means the New Jersey Temporary Assistance for Needy Families.

“USCIS” means the United States Citizenship and Immigration Services.

“USDA” means the United States Department of Agriculture.

“WFNJ” means the New Jersey Work First New Jersey Program.

New Rule, R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).
See: 43 N.J.R. 2114(a), 44 N.J.R. 241(a).

10:87-1.2 Administration of the Program

(a) The Program is authorized by the U.S. Congress and regulated by the USDA. In New Jersey, the CWAs are responsible for certifying eligible households and arranging for benefit issuance outlets. Only persons employed by a CWA are legally empowered to enroll applicants in the Program.

(b) Although the counties directly administer the Program, the State is ultimately responsible for ensuring that program operations conform with Federal laws and USDA regulations.

(c) The county administration of the NJ SNAP is supported by a centralized computer management information system to comply with the requirement for keeping uniform system of records and accounts throughout the State. CWAs have access to the management information system that performs routine clerical tasks, determines eligibility status, calculates the NJ SNAP allotment, generates NJ SNAP benefits, and management and fiscal reports. This automated system expedites implementation of policy changes, eliminates duplication of effort, and allows for efficient updating of information.

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

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

Amended by R.1998 d.498, effective October 5, 1998.

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

In (c), substituted a reference to food stamps for a reference to coupons, and substituted a reference to benefits for a reference to Authorizations to Participate in the second sentence.

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 “benefit” for “coupon” preceding “issuance outlets”.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: 43 N.J.R. 2114(a), 44 N.J.R. 241(a).

In (a), substituted “USDA” for “U.S. Department of Agriculture (USDA)”, “CWAs” for “county welfare agencies (CWAs)” and “Program” for “program”; and in (c), substituted “NJ SNAP” for “Food Stamp Program”.

Administrative change.

See: 44 N.J.R. 1529(a).

Case Notes

Notice informing claimant that food stamp benefits would be reduced because of an increase in his supplemental security income was insufficient. *Meyer v. New Jersey Dept. of Human Services, Div. of Family Development*, 269 N.J.Super. 310, 635 A.2d 544 (A.D.1993).

10:87-1.3 Legal basis of the Program

Policies and procedures for the administration of the Program are derived from the Food and Nutrition Act of 2008 (7 U.S.C. §§ 2011 et seq.) and current FNS, regulations and instructions (which are uniform nationwide).

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.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: 43 N.J.R. 2114(a), 44 N.J.R. 241(a).

Rewrote the section.

10:87-1.4 Program informational activities

(a) The Division of Family Development (DFD) will supply CWAs with posters and pamphlets concerning nutritional information, and, where available, explanations of Special Supplemental Food Program for Women, Infants and Children (WIC) and the Commodity Supplemental Food Program (CSFP) explanations. CWAs shall directly display the posters and make the pamphlets available at all NJ SNAP and public assistance offices.

(b) CWAs shall inform participant and applicant households of their program rights and responsibilities. The information may be provided through whatever means DFD deems appropriate.

(c) The CWAs shall provide both certification materials in the appropriate language(s) and bilingual staff or interpreters, as required by FNS bilingual guidelines (see 7 CFR 272.4(b)).

1. Certification materials shall include the NJ SNAP application form, change report form and notices to households.

2. The CWAs shall ensure that certification offices provide sufficient bilingual staff or interpreters for the timely processing of non-English-speaking applicants.

As amended on an emergency basis, R.1981 d.398, eff. September 30, 1981 (oper. October 1, 1981), exp. November 30, 1981.

See: 13 N.J.R. 769(a).

Readopted, R.1981 d.517, eff. December 31, 1981.

See: 13 N.J.R. 769(a), 14 N.J.R. 103(a), 14 N.J.R. 208(b).

Old text concerning "outreach efforts" deleted are replaced with new text concerning "program informational activities".

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

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

Old text repealed and new text added.

Amended by R.2004 d.181, effective May 17, 2004.

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

Substituted references to the Division of Family Development (DFD) for references to the Division of Public Welfare (DPW) throughout; rewrote (c).

Amended by R.2009 d.94, effective March 16, 2009.

See: 40 N.J.R. 5932(a), 41 N.J.R. 1245(b).

Rewrote (c).

Administrative change.

See: 44 N.J.R. 1529(a).

10:87-1.5 Purpose of the NJ SNAP Manual

The purpose of this manual is to outline the policies and procedures applicable to the certification and/or recertification of those who apply for NJ SNAP benefits. The policies and procedures contained in this manual shall be used to determine eligibility criteria and issuance requirements for NJ SNAP benefits for all qualified households regardless of their eligibility for other assistance programs.

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.

Administrative change.

See: 44 N.J.R. 1529(a).

Case Notes

Regulations in N.J.A.C. 10:82 regarding loans inapplicable to Food Stamp dispute. In re: S.C., 6 N.J.A.R. 333 (1981).

10:87-1.6 The concept of reasonable certainty; situations not covered by the manual

(a) While this manual attempts to minimize discretionary action on the part of the certification worker, there will be situations which are not specifically covered by existing policy guidelines. In those cases the certification worker shall

be expected to make a judgment, based on his or her experience and/or knowledge of the Program, which can be defended as both reasonable and prudent.

(b) In cases where the treatment of a situation is neither specifically nor generally addressed in this manual, the matter shall be referred to DFD for resolution.

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).

In (b) substituted "DFD" for "DPW".

10:87-1.7 Assignment of manual

Copies of this manual shall be assigned to administrative and other staff working with applicants and recipients. Each staff member is expected to be thoroughly familiar with its contents so that policy and procedures may be consistently applied.

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

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

Deleted "staff", "to" and "in order".

10:87-1.8 Responsibility of manual holders

Each holder of the manual shall be responsible for maintaining a current and up-to-date manual. DFD shall issue revisions and changes as necessary; the manual holder shall insert new material and remove obsolete pages promptly.

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

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

Deleted "the Division of Public Welfare".

Amended by R.2004 d.181, effective May 17, 2004.

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

Substituted "DFD" for "DPW".

10:87-1.9 Retention of obsolete material

The CWA shall retain one copy of obsolete manual material for administrative purposes.

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

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

Deleted "the County Welfare agency".

10:87-1.10 Public access to the manual

(a) This manual is a public document and shall be made accessible in accordance with (b) through (h) below.

(b) Specific policy material necessary for an applicant, recipient, and/or his or her representative to determine whether or not a hearing should be requested, or to prepare for a hearing, shall be provided to such persons without charge.

(c) All public and private libraries which have agreed to maintain the manual on a current up-to-date basis shall make a copy available to the public, subject to their own regulations.

(d) Each county legal services office shall be furnished with a copy of this manual.

(e) Welfare, social service and other nonprofit organizations shall be furnished with a free copy of the manual upon receipt by DFD of an official, written request.

(f) A current up-to-date copy of the manual, or any part of it, shall be available from DFD, at the cost of printing and mailing, to anyone who requests it in writing.

(g) A current up-to-date copy of the manual will be maintained in each CWA for examination by members of the public during regular working hours.

(h) All supplementary State policy directives shall be sent to those who have been supplied with the manual. A mailing list shall be maintained by DFD for that purpose.

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

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

Amended by R.2004 d.181, effective May 17, 2004.

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

Deleted the introductory phrases throughout.

10:87-1.11 Policy of nondiscrimination

CWAs shall not discriminate against any applicant or participant in any aspect of program administration, including, but not limited to, the certification of households, the issuance of benefits, the conduct of fair hearings or any other program service, for reasons of age, race, color, sex, disability, religious creed, national origin or political belief.

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

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

Amended by R.1994 d.42, effective January 18, 1994.

See: 25 N.J.R. 4697(b), 26 N.J.R. 377(a).

Amended by R.2004 d.181, effective May 17, 2004.

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

Substituted "benefits" for "coupons" preceding "the conduct of fair hearings".

10:87-1.12 Complaint procedures

(a) Persons who believe that they have been subject to discrimination as described in N.J.A.C. 10:87-1.11 may complain directly to USDA and/or to DFD. The CWA shall explain the complaint procedures and advise the individual(s) of their right to file a complaint.

(b) A complaint must be filed no later than 180 days from the date of alleged discrimination, unless the period is extended by USDA.

(c) The CWA shall accept all complaints of discrimination and forward them promptly to the Director of DFD who will in turn forward them to USDA.

(d) If a person alleges verbally that a discriminatory act has been committed and does not (or cannot) put it in writing, the CWA worker receiving the complaint shall do so. If possible, the following information shall be obtained from the complainant:

1. Name, address and telephone number or other means of contacting the persons alleging discrimination;

2. Location and name of the organization or office and/or person(s) accused of discriminatory practices;

3. The nature of the incident, action, or aspect of the program administration that led to the alleged discrimination;

4. The reasons for the alleged discrimination (that is, age, race, color, sex, disability, religious creed, national origin or political belief);

5. Names, titles (if appropriate), and addresses of persons (other than the complainant who may have knowledge of the discriminatory act(s)); and

6. The date or dates on which the alleged discriminatory actions occurred.

(e) Written complaints shall be forwarded to the Director of DFD if the information in (d) above is not complete. Persons who file complaints shall be encouraged to provide this information to facilitate the investigation of the alleged discrimination and shall be advised that investigations by USDA will be conducted only if information specified in (d)2, 3 and 4 above is provided.

(f) To file a complaint of discrimination directly to USDA, write to: USDA Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, S.W., Washington, D.C. 20250-0003 or call (202) 750-9410 or (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

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

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

Amended by R.1994 d.42, effective January 18, 1994.

See: 25 N.J.R. 4697(b), 26 N.J.R. 377(a).

Amended by R.2004 d.181, effective May 17, 2004.

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

Deleted the introductory phrases throughout.

Amended by R.2009 d.94, effective March 16, 2009.

See: 40 N.J.R. 5932(a), 41 N.J.R. 1245(b).

Added (f).

10:87-1.13 Public Notification Plan

(a) The CWA shall publicize the procedure described in N.J.A.C. 10:87-1.12.

(b) At least once every fiscal year, the CWA shall advise local minority group organizations, in writing, that the NJ SNAP program is available to all eligible households on a nondiscriminatory basis and of the complaint procedures. If there are no minority group organizations in the county, the CWA shall contact minority ministers, teachers, and/or other community leaders in the county, informing them of this nondiscrimination policy.

(c) The CWA shall maintain file copies of correspondence concerning public notification of nondiscrimination. These

documents shall be available for inspection during audits and compliance reviews conducted by State and Federal offices.

(d) The CWA shall display a nondiscrimination poster (supplied by FNS and/or DFD) in all local NJ SNAP certification offices.

(e) The CWA shall ensure that participants (and other low-income households) have access to information regarding their rights, nondiscrimination statutes and policies and complaint procedures, no later than 10 days from the date the information is requested.

(f) The CWA shall advise applicants for program participation that his or her application shall be processed without discrimination in accordance with N.J.A.C. 10:87-1.11.

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).

Deleted the introductory phrases throughout.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: 43 N.J.R. 2114(a), 44 N.J.R. 241(a).

In (d), substituted "DFD" for "DEA" and "NJ SNAP" for "food stamp".

Administrative change.

See: 44 N.J.R. 1529(a).

10:87-1.14 Confidentiality and disclosure of information

(a) The CWA shall restrict the use or disclosure of information obtained from applicant or recipient households to persons directly connected with the administration or enforcement of the NJ SNAP program, WFNJ/TANF, jointly-processed WFNJ/GA households, SSI, Medicaid, Child Support and Paternity program (CSP), IEVS, Federally funded child welfare programs, including SACWIS or with any other Federal or Federally aided, means-tested assistance programs.

1. The verification of immigration documents of aliens applying for NJ SNAP benefits will be accomplished through the Systematic Alien Verification for Entitlements (SAVE) program and is subject to the same confidentiality safeguards afforded other programs.

2. The New Jersey Department of Labor may access information regarding NJ SNAP recipients for the purpose of administering the NJ SNAP ETP.

3. Agencies administering an NJ SNAP Nutrition Education Plan approved by USDA may access information regarding NJ SNAP recipients for the purpose of administering the Nutrition Education Plan.

(b) The CWA may release information concerning an applicant or recipient household in the following situations only:

1. Upon written request, the CWA shall cooperate in furnishing information to Federal, State or local law

enforcement agencies in any investigation that concerns a household or person fraudulently obtaining benefits or otherwise violating the statutory provisions of the Food and Nutrition Act of 2008 (7 U.S.C. §§ 2011 et seq.) and/or FNS and/or State rules. The law enforcement agency must provide a written request, which shall include the identity of the individual requesting the information and his or her authority to do so, the violation being investigated and the identity of the person about whom the information is requested.

i. CWAs shall make available, upon request, to any Federal, State or local law enforcement officer the address, photograph (if available) and Social Security number of an NJ SNAP recipient. The officer must furnish the recipient's name, and must notify the CWA that the recipient is fleeing to avoid prosecution, custody or confinement for a felony, is violating a condition of parole or probation or the CWA has information necessary for the officer to conduct an official duty related to a felony or parole violation.

2. Staff members shall provide such testimony as may be mandated by a court of competent jurisdiction in connection with administration and enforcement of the NJ SNAP program (see (a) above).

3. Upon written request by the household, the household may waive its rights to confidentiality of information and the CWA shall make disclosure of information but only to the extent specifically authorized by the waiver.

4. If there is a written request by a responsible member of the household, its current authorized representative, or a person acting in its behalf to review materials in its case file, the material and information contained in the case file shall be made available during normal business hours.

i. The CWA may withhold confidential information, such as the names of individuals who have disclosed information about the household without the household's knowledge, or the nature or status of pending criminal prosecutions.

5. Information and records shall be released to parties directly involved in a fair hearing procedure (see N.J.A.C. 10:87-8.6(a) and 8.14(a)).

6. The furnishing of any lists of names and/or addresses or both for purposes not directly related to the provisions of (a) above is specifically prohibited.

7. The disclosure of information in connection with the performance of a quality control review or State audit shall be permitted.

8. The CWA shall make available, to the CSP's Parent Locator Service, NJ SNAP case file information to assist the CSP program, under Title IV-D of the Social Security Act.

9. Households that provide an NJ SNAP or WFNJ/TANF case number on the school meal application are categorically eligible for free school meals. The CWA shall honor requests from school officials to verify NJ SNAP program participation for households applying for free school meals. The CWA shall not release any information with regard to the household beyond the verification of NJ SNAP program participation. Section 169 of the Food Stamp Application Privacy Act (P.L. 97-253) allows such information to be provided to officials verifying eligibility for free school meals.

10. The CWA shall furnish information to employees of the Comptroller General's Office of the United States for audit examination authorized by any other provision of law.

(c) Recipients of information released under this section must adequately protect the information against unauthorized disclosure to persons or for purposes not specified in this section. In addition, information received through the IEVS must be protected from unauthorized disclosure as required by regulations established by the information provider. Information released to the State agency pursuant to section 6103(l) of the Internal Revenue Code of 1954 shall be subject to the safeguards established by the Secretary of the Treasury in section 6103(l) of the Internal Revenue Code and implemented by the Internal Revenue Service in its publication, Tax Information and Security Guidelines.

(d) Participants in the New Jersey Address Confidentiality Program (ACP) established by P.L. 1997, c. 369 to safeguard the identity and residence of victims of domestic violence shall be treated in the disposition of their NJ SNAP case records as follows:

1. Only residents of New Jersey are eligible to participate in the ACP. A photocopy of the individual's signed ACP participation card shall be retained in the individual's case record, and shall serve as documentation of the ACP participant's identity and residence.

2. CWAs shall not include in the case record any information which identifies the ACP participant's residence, including mortgage/rent, utility, and tax or insurance bills or receipts. The Department of Community Affairs (DCA) will act as a liaison on behalf of the individual, and will provide the CWA with written information that documents the requested expenses that the ACP participant is incurring.

3. The address utilized for the ACP participant to receive mail is essentially a "mail drop." Therefore, when sending a notice to an ACP participant, the CWA shall allow an additional five days for the recipient to take action. However, this does not apply to a Families First EBT aging notice, which shall remain at 10 days.

4. In the event that Federal, State, or local agency staff must speak directly with the ACP participant, the Request for Contact procedures at N.J.A.C. 10:87-9.5 shall be followed.

Amended by R.1985 d.179, effective April 15, 1985.
See: 17 N.J.R. 166(a), 17 N.J.R. 968(b).

(b)8 added.

Amended by R.1985 d.475, effective September 16, 1985.

See: 17 N.J.R. 1377(b), 17 N.J.R. 2273(a).

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).

Substantially amended.

Amended by R.1990 d.565, effective November 19, 1990.

See: 22 N.J.R. 2219(a), 22 N.J.R. 3486(a).

Specified that county welfare agencies are to release information to school districts for verification of eligibility for free school meal programs.

Amended by R.1998 d.498, effective October 5, 1998.

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

Rewrote (a); and in (b)1, added I.

Amended by R.1999 d.6, effective January 4, 1999.

See: 30 N.J.R. 3451(a), 31 N.J.R. 69(a).

In (a) and (b)9, substituted references to WFNJ/TANF for references to AFDC; and in (a), inserted a reference to Federally-funded child welfare programs, including the Statewide Automated Child Welfare Information System (SACWIS).

Amended by R.2004 d.181, effective May 17, 2004.

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

Deleted the introductory phrases throughout; in (b), substituted "benefits" for "coupons" in 1 and amended the N.J.A.C. reference in 5; added (c) and (d).

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: 43 N.J.R. 2114(a), 44 N.J.R. 241(a).

Rewrote (a) and (b)1; in (b)2 and (b)9, substituted "NJ SNAP program" for "Food Stamp Program" throughout; in (b)8, substituted "NJ SNAP" for "food stamp"; in (b)9, substituted "an NJ SNAP" for "a food stamp"; and in the introductory paragraph of (d), substituted "c. 369" for "c.369" and "NJ SNAP" for "Food Stamp".

10:87-1.15 Public access to information

(a) Copies of the manual, supplementary directives issued for use in certifying applicant households and NJ SNAP fair hearing reports shall be readily available for public inspection in all CWA central NJ SNAP offices.

(b) In addition, Federal Supplemental Nutrition Assistance Program statutes, FNS regulations, instructions, the State Plan of Operation and a copy of this manual shall be readily available for public inspection during regular office hours in the central DFD office, as well as the FNS Regional Office.

(c) DFD, at its option, may require other CWA offices within the State to maintain a copy of Federal statutes and FNS regulations.

As amended on an emergency basis, R.1981 d.398, eff. September 30, 1981 (oper. October 1, 1981) exp. November 30, 1981.

See: 13 N.J.R. 769(a).

Readopted, R.1981 d.517, eff. December 31, 1981.

See: 13 N.J.R. 769(a), 14 N.J.R. 103(a).

(a): Deleted "the State Outreach Plan . . . coordinates".

(b): Deleted "and" after "regulations" and inserted same after "instructions"; deleted "and the State Outreach reports".

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.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: 43 N.J.R. 2114(a), 44 N.J.R. 241(a).

In (a), deleted a comma following "households" and substituted "NJ SNAP" for "food stamp" twice; in (b), substituted "Supplemental Nutrition Assistance Program" for "food stamp" and "DFD" for "DEA", deleted a comma following "Operation", and inserted a comma following the second occurrence of "office"; and in (c), substituted "DFD" for "DEA".

10:87-1.16 Appeals

An applicant or recipient shall have the right to appeal any action or inaction concerning the Program on the part of the CWA that affects his or her household (see N.J.A.C. 10:87-8 concerning fair hearings).

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.

10:87-1.17 Suits against county

(a) The CWA shall notify the DFD immediately of any suit(s) filed by any person/organization against the CWA and/or DFD that involve(s) administration of the NJ SNAP program and shall furnish DFD with copies of the original pleadings and all subsequently filed pleadings.

(b) If the CWA fails to comply with the provisions of (a) above and is ordered by a court to take actions that are determined by the USDA to be inconsistent with the Food and Nutrition Act of 2008 (7 U.S.C. §§ 2011 et seq.) and its FNS regulations or instructions, the CWA may be liable for the amount of benefits issued pursuant to the court order.

As amended on an emergency basis, R.1981 d.398, effective September 30, 1981 (Operative October 1, 1981), expires 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).

Deleted text of N.J.A.C. 10:87-1.17 concerning "outreach" and recodified N.J.A.C. 10:87-1.18 as 1.17 without change in text.

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.1998 d.498, effective October 5, 1998.

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

In (b), substituted a reference to benefits for a reference to coupons.

Amended by R.2004 d.181, effective May 17, 2004.

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

In (b), deleted the introductory phrase.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: 43 N.J.R. 2114(a), 44 N.J.R. 241(a).

In (a), substituted the first and third occurrence of "DFD" for the first and third occurrence of "DEA", "DFD that" for "DEA which" and "NJ SNAP program" for "Food Stamp Program"; and in (b), substituted "that" for "which", "and Nutrition" for "Stamp" and "2008 (7 U.S.C. §§ 2011 et seq.)" for "1977", and inserted "the" preceding "USDA".

10:87-1.18 (Reserved)

SUBCHAPTER 2. THE APPLICATION PROCESS

10:87-2.1 The household concept

Every NJ SNAP application shall be made on behalf of a household. It is critically important to determine exactly who constitutes the household for NJ SNAP purposes since all considerations of eligibility will follow from this initial determination.

Administrative change.

See: 44 N.J.R. 1529(a).

Case Notes

Applicant not permanent legal alien and not present under color of law was ineligible for benefits. *S.V. v. Passaic County Board of Social Services*, 93 N.J.A.R.2d (DEA) 29.

10:87-2.2 Household defined

(a) A household may be composed of any of the following individuals or groups of individuals:

1. Individual living alone;
2. An individual living with others, but who customarily purchases food and prepares meals for home consumption separate and apart from the others;

3. A group of individuals living together for whom food is purchased in common and for whom meals are prepared together for home consumption;

4. An individual who is 60 years of age or older (and the spouse of such individual) living with others who is unable to purchase and prepare meals because he or she suffers from a disability considered permanent under the Social Security Act or suffers from some other physical or mental nondisease-related, severe, permanent disability may be a separate household (see definition of elderly or disabled at N.J.A.C. 10:87-2.34 and verification requirements at N.J.A.C. 10:87-2.19(i)). However, the gross monthly income of the household with which the individual resides cannot exceed the gross monthly income eligibility standard for the appropriate household size at N.J.A.C. 10:87-12.7. This income determination shall be made in accordance with the following procedures:

i. The gross monthly income of the others with whom the elderly, disabled person resides shall be determined as if they were applying for participation in the program. The income of the elderly, disabled person and his or her spouse is not included in the calculation. The elderly, disabled person and his or her spouse are not to be considered household members for this purpose;

ii. The gross monthly income of the others shall then be compared to the monthly income eligibility standard for the appropriate household size in N.J.A.C. 10:87-12.7 to determine if the income is within the prescribed limit. The elderly, disabled person and his or her

spouse would not be considered as household members for this comparison.

5. An applicant household that has customarily purchased and prepared food separately in the past but, because of changes in financial or other circumstances, is now temporarily buying and preparing food with others, shall be considered a separate household, providing it intends to return to its former status upon receipt of NJ SNAP benefits. The applicant household's statements on past and intended practices shall suffice, except when the information provided is questionable according to the criteria at N.J.A.C. 10:87-2.19(i). If the applicant household does not return to its former status, the actual household composition will prevail and will be considered a client-reportable change in accordance with N.J.A.C. 10:87-9.5(a) and (b). The 10-day period for reporting that the applicant household has not returned to its former status will commence upon receipt of NJ SNAP benefits.

(b) Individuals or groups of individuals who are residents of an institution (except as otherwise specified in N.J.A.C. 10:87-2.4) or commercial boarding home, or boarders (except as specified in N.J.A.C. 10:87-2.3(b)) may not participate in the program.

(c) In no event shall nonhousehold member status or separate household status be granted to:

1. Parents and their biological, adopted or stepchildren (excluding foster children) under the age of 22 who reside together, regardless of the marital status or having a child of their own. The biological parent-child relationship takes precedence unless there has been a termination of parental rights. Legal custody does not in and of itself terminate parental rights, in which case the legal relationship between the biological parent and the child would still exist even though another person(s) has been awarded legal custody of the child. The following are two examples of such household compositions:

i. Example 1: The grandparents who have legal custody of a grandchild, their own adult child, who also is the biological parent of the grandchild, all reside together. The parent and child would have to be considered one household for NJ SNAP program benefits because parental rights have not been terminated. Likewise, the grandparents would also have to be included in the same NJ SNAP household because the grandchild is financially dependent on them since they have legal custody of that grandchild (see (c)2 below).

ii. Example 2: There are two siblings, with the mother having legally terminated her parental rights of one of the siblings. The grandparents have legal custody of that child. This can be a two-person household if the mother applies for NJ SNAP benefits for herself and the one child for whom she has not given up her parental rights. If the grandparents apply for NJ SNAP benefits, they would be a separate NJ SNAP household with the

grandchild of whom they have legal custody (see (c)2 below);

2. A child (other than a foster child) under 18 years of age who lives with and is under parental control of a household member other than his or her parent. A child shall be considered to be under parental control for purposes of this provision if he or she is financially or otherwise dependent on a member of the household.

i. An individual between the ages of 18 and 22 is considered an adult and can be a separate household from those with whom he or she lives if he or she purchases and prepares food separately. In the case of an 18 through 22 year old living with a grandparent, he or she can be a separate household unless the grandparent has legally adopted the 18 through 22 year old or they purchase and prepare meals together.

ii. An individual between the ages of 18 and 22, not living with his or her biological, adoptive or stepparent, who is married and/or has a child of his or her own, and is not financially dependent on a member of the household, and prepares and eats his or her meals separate and apart from other members residing in the household, may, for NJ SNAP purposes, be considered a separate household.

iii. An individual, including individuals under 18 years old, emancipated from any parental control, living solely with his or her spouse and/or children, for NJ SNAP purposes, shall be considered a separate household;

3. A spouse of a member of the household. For the purposes of this Program, the term "spouse" shall include persons recognized by applicable State law as such and persons representing themselves as husband and wife to the community, relatives, friends, neighbors or trades people; or

4. Individuals who purchase and prepare meals together, with the following exceptions:

i. A household containing an elderly and disabled member who cannot purchase and prepare meals separately can be separated from the other household members, provided that the income of the other members does not exceed 165 percent of the Federal poverty level for the household size of the other members, per N.J.A.C. 10:87-2.2(a)4. (See N.J.A.C. 10:87-12.7 Table VII.)

ii. Foster individuals (N.J.A.C. 10:87-2.3(b)6) cannot be required to be included in the household if the household decides otherwise.

(d) In cases of joint child custody, either parent may claim a child(ren) as a member of their NJ SNAP household, as long as the child(ren) resides in the home for some portion of the month. In the event that both parents are participating in the NJ SNAP program and both want to claim the child(ren)

as a part of his or her household, the parent who has the child(ren) the greater part of the time shall be the parent to claim the child(ren) as a part of his or her NJ SNAP household.

1. If the child(ren) lives with each parent equally, the parent household that applies first shall be the one to add the child(ren) to his or her NJ SNAP household.

2. Under no circumstances shall duplicate participation occur. The child(ren) cannot be a part of two NJ SNAP households at the same time.

Amended on an emergency basis, R.1981 d.398, effective September 30, 1981 (operative October 1, 1981), expires 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).

Section substantially amended.

Amended by R.1983 d.72, effective February 28, 1983.

See: 15 N.J.R. 97(a), 15 N.J.R. 444(a).

Originally filed as an emergency adoption (R.1982 d.503) on December 30, 1982. Changes upon readoption were precipitated by emergency adoption (R.1983 d.38) filed on January 31, 1983. Readopted as R.1983 d.72. Language has been added to provide for and distinguish income limitations for elderly and disabled individuals living with others.

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.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

Stylistic revisions in (a)4 and 5 correcting reference to N.J.A.C. 10:87-2.20(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).

Amended by R.2004 d.181, effective May 17, 2004.

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

Deleted the introductory phrases throughout; in (a), amended the N.J.A.C. references in the first sentence of 4 and the second sentence of 5; in (c), added the third sentence.

Amended by R.2007 d.129, effective May 7, 2007.

See: 38 N.J.R. 4374(a), 39 N.J.R. 1719(a).

In (c)1, inserted “, regardless of the marital status or having a child of their own”, deleted former (c)2 and added new (c)2; in (c)4, inserted “, with the following exceptions” and substituted a colon for the period at the end; and added (d).

Amended by R.2009 d.94, effective March 16, 2009.

See: 40 N.J.R. 5932(a), 41 N.J.R. 1245(b).

In the introductory paragraph of (c)1, substituted a period for a semicolon at the end of the first sentence and inserted the last three sentences; and added (c)1i and (c)1ii.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: 43 N.J.R. 2114(a), 44 N.J.R. 241(a).

In (a)5, the introductory paragraph of (d), and in (d)1 and (d)2, substituted “NJ SNAP” for “food stamp”; in (a)5, substituted “NJ SNAP benefits” for “food stamps”; rewrote (c)1 and (c)2; and in the introductory paragraph of (d), substituted “NJ SNAP program” for “Food Stamp Program”.

Case Notes

No separate household status for minor grandchildren. *B.G. v. Mercer County Board of Social Services*, 93 N.J.A.R.2d (DEA) 15.

Grandparents’ income part of household income for minor grandchildren. *G.R. v. Passaic County Board of Social Services*, 92 N.J.A.R.2d (DEA) 52.

10:87-2.3 Nonhousehold members, boarders and excluded household members

(a) Individuals in (a)1 and 2 below residing with a household shall not be considered household members in determining a household’s eligibility or allotment.

1. The following nonhousehold members who are otherwise eligible may participate in the program as separate households:

i. Individuals to whom a household furnishes lodging, but not meals, for compensation, otherwise known as roomers;

ii. Individuals who reside in a household to provide medical, housekeeping, child care or other similar personal services, otherwise known as live-in-attendants; and

iii. Other individuals who share living quarters with the household but who do not customarily purchase and prepare meals with the household. For example, if the applicant household shares living quarters with another family to save on rent but does not purchase and prepare food together with that family, the members of the other family are not members of the applicant household.

2. The following nonhousehold members are ineligible to participate in the program as separate households:

i. Persons enrolled in an institution of post-secondary education who are ineligible because they fail to meet the eligibility criteria at N.J.A.C. 10:87-3.14(d).

(b) Boarders are defined as individuals or groups of individuals residing with a household and paying reasonable compensation to the household for lodging and meals, excluding residents of a commercial boarding house.

1. Boarders are ineligible to participate in the program independent of the household providing boarder services to them. Boarders may only participate in the program as members of the household providing the boarder services to them, at such household’s request. Boarders who are included in the household shall have all income and resources counted in determining the household’s eligibility.

2. In no event shall boarder status be granted to children or siblings residing with elderly or disabled parents or siblings or to those individuals or groups of individuals described at N.J.A.C. 10:87-2.2(c).

3. To determine if an individual qualifies for boarder status, it is necessary to determine if the individual is paying reasonable compensation for meals and lodging. Only that amount paid for meals shall be used in determining reasonable payment provided that the amount paid for meals is distinguishable from the amount paid for lodging. A reasonable monthly payment shall be either of the following:

i. Boarders whose board arrangement is for more than two meals per day shall pay an amount which equals or exceeds the maximum benefit allotment (MBA) for the appropriate size of the boarder household; or

ii. Boarders whose board arrangement is for two meals or less per day shall pay an amount which equals or exceeds two-thirds the MBA for the appropriate size of the boarder household.

4. Boarder status shall not be extended to an individual who is furnished both meals and lodging by a household but is paying compensation of less than a reasonable amount (as specified in (b)3 above). Such individual shall be considered a member of the household which provides the meals and lodging and shall have his or her income and resources counted in determining the eligibility and benefits of the household with whom the individual boards.

5. None of the income and resources of individuals determined to be boarders and who are not members of the household providing boarder services shall be considered available to such household. However, the amount of the payment that a boarder gives to a household shall be treated as self-employment income to the household in accordance with N.J.A.C. 10:87-5.4(a)3.

6. Foster individuals cannot be required to be included in the household with whom they reside. The household has the option of including foster individuals in the household, but if it elects not to do so, then the foster individuals shall be treated as boarders. Likewise, children who are placed in a household under a guardianship arrangement shall be treated in a manner similar to foster children and adults. That is, the household has the option of including the individual under guardian care in the household for NJ SNAP purposes, or excluding the individual from the household. Any payment that the household receives for the care of the individual under guardianship care shall be either included in household income, if the household elects to include the individual in the NJ SNAP household, or excluded from household income if the household decides to exclude the individual from the household.

(c) The following individuals residing with a household shall be excluded from the household when determining the household's size for the purposes of assigning a benefit level to the household or of comparing the household's monthly income with the income eligibility standards. However, the income and resources of an excluded household member shall be considered available to the remaining household members in accordance with N.J.A.C. 10:87-7.7. Excluded household members may not participate in the program as separate households.

1. Individuals disqualified for intentional program violation (see N.J.A.C. 10:87-11.1 through 11.10);

2. Individuals disqualified for failure to obtain or refusal to provide a Social Security number (see N.J.A.C. 10:87-3.15);

3. Individuals who do not attest to or meet the citizenship or eligible alien status requirements at N.J.A.C. 10:87-3.6, 3.7 and 3.8 or the eligible sponsored alien requirements at N.J.A.C. 10:87-7.11(a); or

4. Individuals disqualified for noncompliance with the work registration, employment and training program, or voluntary quit provisions at N.J.A.C. 10:87-10.5 and 10.15 through 10.20.

Amended by R.1981 d.97, effective April 9, 1981.

See: 13 N.J.R. 96(c), 13 N.J.R. 228(a).

(a)5: new text substituted for old.

(a)6: delete disqualification of college students for failure to meet school year work registration requirements.

Amended on an emergency basis, R.1981 d.398, eff. September 30, 1981 (oper. October 1, 1981) exp. November 30, 1981.

See: 13 N.J.R. 769(a).

Readopted, R.1981 d.517, eff. December 31, 1981.

See: 13 N.J.R. 769(a), 14 N.J.R. 103(a).

(a)2i: "or" deleted after "spouse" and "or parents" added; "or to either parents . . . of age or older."

Amended by R.1983 d.72, effective February 28, 1983.

See: 15 N.J.R. 97(a), 15 N.J.R. 444(a).

Originally filed as an emergency adoption (R.1982 d.503) on December 30, 1982. Changes upon readoption were precipitated by an emergency adoption (R.1983 d.38) filed on January 31, 1983. Readopted as R.1983 d.72. The definition of "boarders" has been amended and language has been added to clarify inclusion of income and resources of disqualified individuals.

Amended by R.1983 d.223, effective May 31, 1983.

See: 15 N.J.R. 629(a), 15 N.J.R. 1033(a).

Originally adopted as an emergency Rule R.1983 d.116, eff. March 31, 1983, operative April 1, 1983. The amendment is 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). Language concerning disqualified individuals changed to excluded household members. Emergency Rule, R.1987 d.202, effective April 3, 1987 (expires June 2, 1987).

See: 19 N.J.R. 649(a).

(c)5 added.

Readoption of Emergency Rule and Concurrent Proposal, R.1987 d.261, effective July 6, 1987.

See: 19 N.J.R. 649(a), 19 N.J.R. 1207(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.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

Stylistic revisions in (c)4 correcting reference to N.J.A.C. 10:87-2.21(b).

Amended by R.1991 d.247, effective May 6, 1991.

See: 23 N.J.R. 179(a), 23 N.J.R. 1412(b).

Deleted (a)2ii regarding individuals disqualified for noncompliance with various work and/or training requirements.

Revised such text at (c)4 for excluded household members.

Amended by R.1998 d.498, effective October 5, 1998.

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

In (b)6, substituted references to individuals for references to children throughout.

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.

Amended by R.2007 d.129, effective May 7, 2007.

See: 38 N.J.R. 4374(a), 39 N.J.R. 1719(a).

In (b)3i, substituted "benefit" for "coupon", and in (b)3i and (b)3ii, substituted "(MBA)" for "(MCA)".

xxiv. Payments made under Public Law 100-707, the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to pay Disaster Unemployment Assistance to any individual unemployed as a result of a major disaster.

xxv. Payments under the Consolidated Appropriations Act of 2005, Public Law 108-447, regarding any additional payment received by a member of the United States Armed Forces deployed to a designated combat zone. This additional payment shall be excluded from household income for the duration of the member's deployment if the additional pay is the result of deployment to or serving in a combat zone, and it was not received immediately prior to serving in the combat zone.

xxvi. Payments made under the National Flood Insurance Program (NFIP). Public Law 109-64, which amended the National Flood Insurance Act of 1968, mandates that payments made under NFIP, for flood mitigation activities, shall not be counted as income;

17. The amount that the representative payee withholds from the funds it receives on behalf of an SSI recipient shall not be counted as income to the SSI recipient for NJ SNAP purposes;

18. The pro-rata share of income of an ineligible alien (see N.J.A.C. 10:87-7.7(c)); and

19. SNAP benefits from Puerto Rico, American Samoa and the Commonwealth of the Northern Mariana Islands.

Amended by R.1980 d.117, effective March 19, 1980.

See: 11 N.J.R. 517(a), 12 N.J.R. 194(b).

(a)9: "exempted" changed to "excluded".

(a)11vi: "Title IV . . ." was "Youth Employment and Demonstration Project Act of 1977"; deleted reference to nonexclusion of CETA and Adults Conservation Corps payments.

Added (a)11viii.

Amended by R.1981 d.97, effective April 9, 1981.

See: 13 N.J.R. 96(c), 13 N.J.R. 228(a).

(a)9 added.

Re-number (a)9-11 as 10-12.

Amended by R.1984 d.17, effective February 6, 1984.

See: 15 N.J.R. 1821(a), 16 N.J.R. 246(a).

References to P.L. 91-646, P.L. 92-203, P.L. 93-113, P.L. 93-114 and income from certain Indian funds and communications, added.

Amended by R.1985 d.707, effective January 21, 1986 (operative February 1, 1986).

See: 17 N.J.R. 2521(b), 18 N.J.R. 193(b).

(a)12xii added.

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.1989 d.464, effective September 5, 1989.

See: 21 N.J.R. 1636(a), 21 N.J.R. 2790(a).

Exclusion for earned income tax payments added.

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

In (a)2: added text at vi.

In (a)15: deleted iv., "Payments from certain youth projects", and renumbered xiii. through xv. as xii. through xiv.

Amended by R.1990 d.565, effective November 19, 1990.

See: 22 N.J.R. 2219(a), 22 N.J.R. 3486(a).

Income exclusions clarified in accordance with 7 CFR 273.9(c).

Amended by R.1991 d.247, effective May 6, 1991.

See: 23 N.J.R. 179(a), 23 N.J.R. 1412(b).

Revised text in (a)3 and (a)15xiv, deleted HUD reference in (a)3 rule text.

Amended by R.1993 d.62, effective February 1, 1993.

See: 24 N.J.R. 3207(b), 25 N.J.R. 584(a).

In (a)15, added xv through xviii.

Amended by R.1998 d.498, effective October 5, 1998.

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

Rewrote (a).

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.

Amended by R.2007 d.129, effective May 7, 2007.

See: 38 N.J.R. 4374(a), 39 N.J.R. 1719(a).

In (a)8, inserted a comma following "individuals"; added (a)8i; and added (a)15xxiv through (a)15xxvi.

Amended by R.2009 d.94, effective March 16, 2009.

See: 40 N.J.R. 5932(a), 41 N.J.R. 1245(b).

Added new (a)10; recodified former (a)10 through (a)16 as (a)11 through (a)17; in (a)11ii, inserted "and not included in the household"; and in (a)16xxv, substituted "member's" for "members".

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: 43 N.J.R. 2114(a), 44 N.J.R. 241(a).

Rewrote the section.

Law Review and Journal Commentaries

Food Stamps.

Judith Nallin, 137 N.J.L.J. No. 11, 48 (1994).

Steven P. Bann, 137 N.J.L.J. No. 15, 83 (1994).

Case Notes

Child-support payments for children of another household are not excludable from income when calculating eligibility. *J.S. v. New Jersey Dept. of Human Services, Div. of Family Development*, 274 N.J.Super. 314, 644 A.2d 118 (A.D.1994).

Exclusion for in-kind benefit for computing food stamp eligibility; reduced rent. *Maisonet v. New Jersey Dept. of Human Services, Div. of Family Development*, 274 N.J.Super. 228, 643 A.2d 1038 (A.D.1994), certification granted 138 N.J. 265, 649 A.2d 1286, affirmed 140 N.J. 214, 657 A.2d 1209.

Education grant funds used for educational expenses beyond tuition, mandatory fees, books and supplies cannot be included in calculating recipient's income for Food Stamp allotment purposes; earmarking of funds provided recipient paid by grantors directly to college for disbursement. *Murray v. Dept. of Human Services*, 177 N.J.Super. 467, 427 A.2d 74 (App.Div.1981), certiorari denied 87 N.J. 412, 434 A.2d 1088 (1981).

Child support payments taken from earnings; household income to determine food stamp eligibility. *Mercer County Welfare Agency v. J.S.*, 94 N.J.A.R.2d (DEA) 15.

Food stamp allotment reduced due to increase in educational grant. *Salem County Board of Social Services v.F.B.*, 93 N.J.A.R.2d (DEA) 23.

Child support deducted from unemployment benefits not household income. *Mercer County Welfare Agency V.I.C.*, 92 N.J.A.R.2d (DEA) 50.

Contribution funds accumulated under provisions of the Post-Vietnam Era Veterans Education Assistance Program were liquid assets rendering applicant ineligible for Food Stamp Program (Director's Final Decision). *L.D. v. Passaic Cty. Bd. of Social Services*, 7 N.J.A.R. 309 (1984).

Unless educational assistance grants are specifically earmarked by the grantor, only that portion of a grant paying for tuition and mandatory-fee fees qualifies for exclusion in calculating Food Stamp benefits entitlement (Division's Final Decision). *Camden Cty. Bd. of Social Services v. J.S.*, 5 N.J.A.R. 501 (1982). *Ocean Cty. Bd. of Social Services v. L.G.*, 4 N.J.A.R. 216 (1982).

Public assistance DYFS grant is not a vendor payment, but is income for Food Stamp income determination purposes. *M.D. v. Passaic Cty. Bd. of Social Services*, 3 N.J.A.R. 366 (1981).

Non-recurring lump sum payments. *M.R. v. Camden County Welfare Board*, 1 N.J.A.R. 94 (1979).

10:87-5.10 Income deductions

(a) Deductions from income will be allowed only for the following expenses of the household:

1. The standard deduction, specified at N.J.A.C. 10:87-12.1(a), shall be deducted from income, whether earned or unearned;

2. An amount equal to 20 percent of earned income, as defined at N.J.A.C. 10:87-5.9, shall be deducted;

3. That portion of medical expenses in excess of \$35.00 per month, excluding the cost of special diets, incurred by any household member who is elderly or disabled as defined at N.J.A.C. 10:87-2.34. Spouses or other persons (that is, essential persons) receiving benefits as dependents of the SSI or disability and/or blindness recipient are not eligible to receive this deduction. Persons receiving "emergency" SSI benefits based on presumptive eligibility are eligible for this deduction.

i. The following items are allowable medical costs:

(1) Medical and dental care including psychotherapy and rehabilitation services provided by a licensed practitioner authorized by State law or other qualified health professional;

(2) Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the household for an individual who was a household member immediately prior to entering a hospital or nursing home provided by a facility recognized by the State;

(3) Prescription drugs when prescribed by a licensed practitioner authorized under State law and other over-the-counter medication (including insulin) when approved by a licensed practitioner or other qualified health professional; in addition, costs of medical supplies, sick-room equipment (including rental) or other prescribed equipment are deductible;

(4) Health and hospitalization insurance policy premiums. When policies include individuals who are not eligible for a medical deduction, only that portion of the premiums which covers the individual(s) eligible for the deduction shall be deductible. If that portion is not identifiable, then a prorated share may be

used to determine the allowable amount (see N.J.A.C. 10:87-7.7(b)). This deduction only applies when the policy holder is a member of the eligible household. The costs of health and accident policies such as those payable in lump-sum settlements for death or dismemberment or income maintenance policies such as those that continue mortgage or loan payments while the beneficiary is disabled are not deductible;

(5) Medicare premiums related to coverage under Title XVIII of the Social Security Act;

(6) Dentures, hearing aids, and prosthetics;

(7) Securing and maintaining a seeing eye or hearing dog including the cost of dog food and veterinarian bills, as well as the care and maintenance of a dog with a card that identifies him or her as a service dog, so designated by the Americans With Disabilities Act, 42 U.S.C. §§12101 et seq.;

(8) Eye glasses prescribed by a physician skilled in eye disease or by an optometrist;

(9) Reasonable cost of transportation and lodging to obtain medical treatment or services;

(10) Maintaining an attendant, homemaker, home health aide, housekeeper or child care services, necessary because of age, infirmity or illness. In addition, an amount equal to the one person benefit allotment shall be deducted if the household furnishes the majority of the attendant's meals. The allotment for this meal related deduction shall be that in effect at the time of initial certification. The CWA shall update the allotment amount no later than the next certification. It is not necessary for the CWA to update this deduction at the time of the annual allotment adjustment. If a household incurs attendant care costs that could qualify under both the medical deduction and dependent care deduction, the CWA shall treat the cost as a medical expense;

4. Payments for the actual costs for the care of a child or other dependent when necessary for a household member to accept or continue employment, seek employment in compliance with the job-search criteria (or an equivalent effort by those not subject to job-search) or to attend training or pursue education that is preparatory to employment, shall be deducted. The amount of this deduction shall be the actual cost of such care.

i. Child care payments which the CWA issues directly to the household's child care provider shall not qualify the household for the dependent care deduction.

ii. Households that pay child care expenses are entitled to the dependent care deduction, even when child care is disregarded from the WFNJ/TANF grant when determining the countable WFNJ/TANF grant for NJ SNAP program purposes (see (a)4 above).

iii. A deduction shall be allowed only in the month the expense is billed or otherwise becomes due, regardless of when the household intends to pay the expense. For example, child care that is due each month shall be included in the household's child care deduction, even if the household has not yet paid the expense.

iv. Amounts carried forward from past billing periods are not deductible, even if included with the most recent billing and actually paid by the household. In any event, a particular expense may only be deducted once.

v. Legally obligated or court-ordered child support payments paid by a household member to or for a non-household member, including payments to a third party on behalf of the nonhousehold member (vendor payments). The CWA shall allow a deduction for amounts paid toward arrearages. Alimony payments made to or for a nonhousehold member shall not be included in the child support deduction. The child support payment shall be budgeted in accordance with N.J.A.C. 10:87-6.13(d);

5. Legally obligated child support payments paid by a household member to or for a nonhousehold member, including payments to a third party on behalf of the nonhousehold member (vendor payments). The CWA shall allow a deduction for amounts paid toward arrearages. Alimony payments made to or for a nonhousehold member shall not be included in the child support deduction; and

6. Monthly shelter costs in excess of 50 percent of the household's income after all other deductions in (a)1, 2, 3, 4 and 5 above have been allowed, shall be deducted. However, in no event shall the shelter deduction exceed the amount in N.J.A.C. 10:87-12.1(b) unless the household contains a member who is elderly or disabled as defined at N.J.A.C. 10:87-2.34. These households shall receive an excess shelter deduction for the monthly costs that exceed 50 percent of the household's monthly income after all other applicable deductions. Households receiving Title II disability payments for dependents of a disabled individual are not eligible for the unlimited excess shelter deduction unless the disabled individual is a member of the household.

i. Only the following shall be considered in determining the shelter cost deduction:

(1) Continuing charges for the shelter occupied by the household, including rent, mortgage, condo and association fees or other continuing charges, such as equity loans and equity lines of credit leading to the ownership of the shelter and loan repayments for the purchase of a mobile home, including interest on such payments;

(2) Property tax assessments and insurance on the structure itself, but not separate costs for insuring furniture or personal belongings. If the separate costs for furniture and personal belongings are not identi-

fiable, the entire cost of the insurance is deductible; and

(3) The costs of heating and cooking fuel; cooling and electricity; water and sewage; garbage and trash collection fees; the basic service fee, 911 fee, subscriber line charge, universal service fee, relay center surcharge, wire maintenance fee, plus tax, for one telephone (the uniform telephone rate is found at N.J.A.C. 10:87-12.1(c)) and fees charged by the utility provider for initial installation of the utility. One-time deposits shall not be included as shelter costs.

ii. Shelter costs for a home not occupied temporarily by the household because of employment or training away from home, illness or abandonment because of a natural disaster or casualty loss, shall be deductible (see N.J.A.C. 10:87-2.20(c) for verification requirement). The following conditions must be met in order to qualify for this deduction:

(1) The household must intend to return to the home. In the case of a natural disaster, the case shall be re-evaluated, if at the end of a 12-month period the household has not returned to the home;

(2) Current occupants, if any, of the home must not be claiming the shelter costs of that home for NJ SNAP purposes; and

(3) The home must not be leased or rented during the absence of the household.

iii. Charges for the repair of a home which was substantially damaged or destroyed due to a natural disaster, such as fire or flood, shall be deductible. Shelter costs shall not include charges for home repairs that have been or will be reimbursed by private or public relief agencies, insurance companies, or from any other source.

iv. All NJ SNAP program households shall receive a \$1.00 monthly payment that shall be deposited into their EBT account, which shall entitle the NJ SNAP household to claim the HCSUA (see N.J.A.C. 10:87-12.1(e)).

(1) Households that claim the HCSUA utility allowance shall not be allowed any additional utility costs toward the shelter deduction.

(2) When a household shares a residence and the utility costs with other individuals, each household shall receive the full utility allowance HCSUA.

(3) A household, which has excluded energy assistance (for example, the HUD utility allowance) is entitled to the HCSUA utility allowance only if during one month of the certification period the household will incur utility expenses in excess of the excluded energy assistance. A HUD utility allowance, which is directly received and used by a public housing authority to reduce the household's rent (N.J.A.C. 10:87-5.9(a)3i) shall not be used to determine whether

the household is qualified to receive an NJ SNAP HCSUA utility allowance.

(4) A household that has both an occupied home and an unoccupied home is only entitled to one HCSUA standard utility allowance.

(b) For the purpose of determining the medical and shelter expenses of a group home resident, the room and medical costs that can be separately identified are permissible medical and shelter expenses. If the amount the resident pays for room and meals is combined into one shelter expense amount, the amount that exceeds the NJ SNAP maximum EBT issuance for a one-person household can be allowed as a shelter expense. If more than one resident applies as part of the same household, the one-person maximum allotment shall be deducted from the shelter portion of the payment for each person in that household. If the amount paid for shelter and/or medical costs cannot be identified, then no medical expense is allowed.

1. If the group home charges a basic rate for room and board, and a higher rate dependent upon the amount of medical care required by the resident, and the resident pays the higher rate, the basic rate less the one-person maximum allotment shall be used to determine shelter expenses, and the difference between the basic rate and the higher rate shall be used as the resident's medical expenses.

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.459, effective January 1, 1980.

See: 12 N.J.R. 40(c).

(a): Added paragraph 3; renumbered 3 as 4.

(a)5: Was paragraph 4; changed internal cross-references to conform, added language after "N.J.A.C. 10:87-12.1".

Amended by R.1980 d.387, effective November 1, 1980.

See: 12 N.J.R. 470(b), 12 N.J.R. 599(e).

(a)15: Last sentence added.

Amended on an emergency basis, R.1981 d.398, eff. September 30, 1981 (oper. October 1, 1981), exp. November 30, 1981.

See: 13 N.J.R. 769(a).

Readopted R.1981 d.517, eff. December 31, 1981.

See: 13 N.J.R. 769(a), 14 N.J.R. 103(a).

(a)2: "18" percent was "20" percent and LPSS-reference to "N.J.A.C. 10:87-5.9" added.

Amended by R.1983 d.72, effective February 28, 1983.

See: 15 N.J.R. 97(a), 15 N.J.R. 444(a).

Originally filed as an emergency adoption (R.1982 d.503) on December 30, 1982. Changes upon adoption were precipitated by emergency adoption (R.1983 d.38) filed on January 31, 1983. Readopted as R.1983 d.72. Language regarding elderly and disabled was added.

Amended by R.1983 d.579, effective November 29, 1983.

Originally filed as an emergency amendment R.1983 d.460, eff. September 26, 1983, operative October 1, 1983.

See: 15 N.J.R. 1774(a), 15 N.J.R. 2170(c).

Emergency Amendment, R.1985 d.713, effective December 27, 1985 (operative January 1, 1986, expires February 24, 1986).

See: 18 N.J.R. 214(a).

(a)5iv(1) and (2) added text.

Emergency Amendment R.1986 d.191, effective April 29, 1986 (operative May 1, 1986, expires June 30, 1986).

See: 18 N.J.R. 1108(a).

Work allowance deduction raised from 18 to 20 percent.

Readoption of Emergency Amendment and Concurrent Proposal, R.1986 d.301, effective June 30, 1986.

See: 18 N.J.R. 1108(a), 18 N.J.R. 1464(b).

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

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

Amended by R.1990 d.270, effective May 21, 1990.

See: 22 N.J.R. 139(a), 22 N.J.R. 1599(a).

In (a)5ii: revised N.J.A.C. reference.

Amended by R.1990 d.437, effective September 4, 1990.

See: 22 N.J.R. 1670(a), 22 N.J.R. 2715(a).

Revised various N.J.A.C. citations in section.

In (a)4: added "\$160.00" and deleted N.J.A.C. reference to amount.

Amended by R.1990 d.565, effective November 19, 1990.

See: 22 N.J.R. 2219(a), 22 N.J.R. 3486(a).

Clarified that CWAs need not adjust certain household medical expenses when the annual adjustment to food stamps allotment takes place.

Amended by R.1991 d.247, effective May 6, 1991.

See: 23 N.J.R. 179(a), 23 N.J.R. 1412(b).

Added new (a)8.

Amended by R.1993 d.62, effective February 1, 1993.

See: 24 N.J.R. 3207(b), 25 N.J.R. 584(a).

In (a)4, added i and ii. In (a)5iv(1)(E), added eligibility for HUA based on receipt of HEA. In (a)5iv, replaced (4) concerning election between utility allowance and actual utility expenses. In (a)5iv(8), added HEA benefits not to be considered when comparing assistance and expenses. In (a)5, added v.

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.

Amended by R.2004 d.181, effective May 17, 2004.

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

Rewrote (a).

Amended by R.2007 d.129, effective May 7, 2007.

See: 38 N.J.R. 4374(a), 39 N.J.R. 1719(a).

In (a)3i(3), deleted "(over-the-counter items, however, prescribed by a licensed practitioner and which may be purchased with food stamps, are not deductible)"; in (a)3i(7), inserted "as well as the care and maintenance of a dog with a card that identifies him or her as a service dog, so designated by the Americans With Disabilities Act, 42 U.S.C. §§12101 et seq.,"; and in (b), substituted "EBT issuance" for "coupon allotment".

Amended by R.2009 d.94, effective March 16, 2009.

See: 40 N.J.R. 5932(a), 41 N.J.R. 1245(b).

In the introductory paragraph of (a)7, deleted a comma preceding "and 5" and substituted "and" for "or" following "elderly"; in (a)7i(1), inserted "such as equity loans or equity lines of credit" and substituted "and" for "such as" following "shelter"; in (a)7iv, inserted a comma following "Households"; in (a)7iv(1)(E), inserted "(HEA)" and "through", substituted "HEA-eligibility" for "HEA eligibility", inserted a comma preceding "provided" and inserted the last two sentences; and added (a)7iv(1)(F).

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: 43 N.J.R. 2114(a), 44 N.J.R. 241(a).

Rewrote the section.

Case Notes

Emergency adoption of regulation cited as example of timely regulation amendment. *Ehrenstorfer v. Div. of Public Welfare*, 196 N.J. Super. 405, 483 A.2d 212 (App.Div.1984).

Shelter cost deduction not allowed for residential rehabilitation facility changes to Food Stamp recipient as not included in three deduction items allowed under regulation. *M.D. v. Passaic Cty. Bd. of Social Services*, 3 N.J.A.R. 366 (1981).

10:87-5.11 Treatment of educational assistance

(a) Educational assistance includes grants, scholarships, fellowships, work study, educational loans on which payment is deferred, veterans' educational benefits and the like.

(d) If a claim against a household is unpaid or held in suspense, the amount to be restored shall be offset against the amount due on the claim before any restoration is made to the household. At the point in time when the household is certified and receives an initial allotment, the initial allotment shall not be reduced to offset claims, even if the initial allotment is paid retroactively. Similarly, initial allotments given at recertification shall not be reduced to offset claims.

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.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, effective 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).

Reference to N.J.A.C. cites added, offsetting of claims expanded.

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

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

Recodified with amendments from 11.15.

As amended, R.1984 d.68, effective March 19, 1984.

See: 15 N.J.R. 2134(b), 16 N.J.R. 550(a).

The word "month" replaced by "date".

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

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

Recodified with amendments from 11.13.

Recodified from N.J.A.C. 10:87-11.17 and amended by R.2004 d. 181, effective May 17, 2004.

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

Deleted introductory phrases throughout; in (a), amended N.J.A.C. references throughout. Former N.J.A.C. 10:87-11.15, Errors discovered by the CWA, recodified to N.J.A.C. 10:87-11.13.

10:87-11.16 Individuals disqualified for intentional program violation

(a) Individuals disqualified for intentional program violation are entitled to restoration of any benefits lost during the months they were disqualified, not to exceed 12 months prior to the date of CWA notification, only if the decision which resulted in disqualification is subsequently overturned or reversed. For example, an individual would not be entitled to restoration of lost benefits for the period he or she was disqualified based solely on the fact that a criminal conviction could not be obtained, unless the individual successfully challenged the disqualification in a separate court action.

(b) For each month the individual was disqualified, the amount to be restored, if any, shall be determined by comparing the allotment the household received with the allotment the household would have received had the disqualified member been allowed to participate. If the household received a smaller allotment than it should have received, the difference equals the amount to be restored. Benefits shall not be restored for a period of more than 12 months prior to CWA notification. Participation in an administrative disqualification hearing in which the household contests the CWA assertion of intentional program violation shall be considered notification that the household is requesting that benefits be restored.

As amended, 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, effective 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).

"Fraud" replaced by "intentional program violation"; restriction or restoration added as lead-in.

As amended, R.1984 d.68, effective March 19, 1984.

See: 15 N.J.R. 2134(b), 16 N.J.R. 550(a).

Restrictions of not more than 12 months of restoration and disqualification.

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 11.16.

Recodified from N.J.A.C. 10:87-11.18 and amended by R.2004 d. 181, effective May 17, 2004.

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

Deleted introductory phrases throughout.

10:87-11.17 Method of restoration

(a) Regardless of whether a household is currently eligible or ineligible, the CWA shall restore lost benefits to a household by issuing an allotment equal to the amount of benefits that were lost. The amount restored shall be issued in addition to the allotment currently eligible households are entitled to receive.

(b) The CWA shall honor reasonable requests by households to restore lost benefits in monthly installments if, for example, the household fears that the amount to be restored is more than it can use in a reasonable period of time.

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 11.17.

Recodified from N.J.A.C. 10:87-11.19 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 (b). Former N.J.A.C. 10:87-11.17, Computing amount to be restored, recodified to N.J.A.C. 10:87-11.15.

10:87-11.18 Change in household composition

Whenever lost benefits are due a household and the household's membership has changed, the CWA shall restore the lost benefits to the household containing a majority of the individuals who were household members at the time the loss occurred. If the CWA cannot locate or determine the household which contains a majority of the household members the CWA shall restore the lost benefits to the household containing the individual who was head of the household (see N.J.A.C. 10:87-2.6) at the time the loss occurred.

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 11.18.

Recodified from N.J.A.C. 10:87-11.20 and amended by R.2004 d. 181, effective May 17, 2004.

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

Substituted "loss" for "error" in the last sentence. Former N.J.A.C. 10:87-11.18, Individuals disqualified for intentional program violation, recodified to N.J.A.C. 10:87-11.16.

10:87-11.19 Federally mandated reduction or cancellation of benefits

Households whose allotments are reduced or cancelled as a result of a Federal mandate are not entitled to a restoration of lost benefits unless DFD, upon notification by USDA/FNS, specifically authorizes such restoration.

As amended, R.1981 d.64, effective February 26, 1981.

See: 13 N.J.R. 226(b).

As amended, 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, effective March 31, 1983, operative April 1, 1983.

The N.J.A.C. cite was recodified from 10:87-20A to 10:87-20, the text remained the same.

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 11.20.

Recodified from N.J.A.C. 10:87-11.22 and amended by R.2004 d. 181, effective May 17, 2004.

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

Substituted "DFD" for "DPW" and "USDA/FNS" for "USDA". Former N.J.A.C. 10:87-11.19, Method of restoration, recodified to N.J.A.C. 10:87-11.17.

10:87-11.20 Claims against households

(a) A recipient claim is an amount owed because of benefits that are over paid or benefits that are trafficked.

1. Trafficking means the buying or selling of NJ SNAP benefits, EBT cards or other benefit instruments for cash or considerations other than eligible food; or the exchange of firearms, ammunition, explosives or controlled substances.

(b) Recipient claims are Federal debts subject to 7 CFR 273.18 and other regulations governing Federal debts. The CWA shall establish and collect any claim by following the rules of this subchapter.

(c) The CWA shall have procedures for establishing and collecting claims that provide orderly claims processing and result in claims collections similar to recent national rates of collection. If the CWA does not meet State standards, it must take corrective action to correct any deficiencies in its procedures.

(d) The following are responsible for paying a claim:

1. Each person who was an adult member of the household when the overpayment or trafficking occurred;

2. A sponsor of an alien household member if the sponsor is at fault; or

3. A person connected to the household, such as an authorized representative, who actually trafficks or otherwise causes an overpayment or trafficking.

(e) There are three types of claims:

1. An IPV claim is any claim for an overpayment or trafficking resulting from an individual committing an IPV. An IPV is defined at N.J.A.C. 10:87-11.3.

2. An Inadvertent Household Error (IHE) claim is any claim for an overpayment resulting from a misunderstanding or unintended error on the part of the household.

3. An Agency Error (AE) claim is any claim for an overpayment caused by an action or failure to take action by the CWA.

(f) The process for calculating the claim amount on the following types of claims is as follows:

1. Claims not related to trafficking are as follows:

i. The CWA shall calculate a claim back to at least 12 months prior to when it becomes aware of the overpayment. For an IPV claim, the claim shall be calculated back to the month the act of IPV first occurred. For all claims, do not include any amounts that occurred more than six years before the CWA became aware of the overpayment.

ii. The actual steps for calculating a claim are as follows:

(1) The CWA shall determine the correct amount of benefits for each month that a household received an overpayment.

(2) Do not apply the earned income deduction to that part of any earned income that the household failed to report in a timely manner when this act is the basis for the claim. However, if the claim is an AE claim, the earned income deduction is applied.

(3) Subtract the correct amount of benefits from the benefits actually received. The answer is the amount of the overpayment. Unless this answer is zero or negative, dispose of the claim referral.

(4) Reduce the overpayment amount by any Electronic Benefit Transfer (EBT) benefits expunged from the household's EBT account. The difference is the amount of the claim. Unless there are expunged benefits that the CWA is not aware of, the amount of the overpayment calculated at (f)1ii(3) above is the amount of the claim.

2. Claims related to trafficking are as follows:

i. Claims arising from trafficking related offenses will be the value of the trafficked benefits as determined by:

(1) The individual's admission;

(2) Adjudication; or

(3) The documentation that forms the basis for the trafficking determination.

(g) The CWA shall establish a claim before the last day of the quarter following the quarter in which the overpayment or trafficking incident was discovered. The CWA shall ensure

that no less than 90 percent of all claim referrals are either established or disposed of according to this time frame.

(h) Rules on initiating collection action and claims are as follows:

1. The CWA shall begin collection action on all claims unless the conditions at (h)2i below apply.
2. The CWA shall not pursue an overpayment that is not cost effective. The following procedure shall be used in determining cost effectiveness.
 - i. The CWA shall not establish any claim if it determines that the claim referral is \$125.00 or less. However, if the household is currently participating in the program, or the CWA already established the claim or discovered the overpayment in a quality control review, the \$125.00 limit does not apply.

(i) Rules on notification of a claim are as follows:

1. The CWA shall mail or otherwise deliver to the household written notification, using the applicable Important Notice to Repay Overissued NJ SNAP benefits form, to begin collection action on any claim.
2. The claim shall be considered established for tracking purposes as of the date the initial demand letter or written notification has been mailed or delivered.
3. If the claim or the amount of the claim was not established at a hearing, the CWA shall provide the household with a one-time notice of adverse action. The notice of adverse action may either be sent separately or as part of the demand letter.
4. The initial demand letter or notice of adverse action shall include language stating:
 - i. The amount of the claim;
 - ii. The intent to collect from all adults in the household when the overpayment occurred;
 - iii. The type (IPV, IHE, AE or similar language) and reason for the claim;
 - iv. The time period associated with the claim;
 - v. How the claim was calculated;
 - vi. Phone number to call for more information about the claim;
 - vii. That, if the claim is not paid, it shall be sent to other collection agencies who will use various collection methods to collect the claim;
 - viii. The opportunity to inspect and copy records related to the claim;
 - ix. Unless the amount of the claim was established at a hearing, the opportunity for a fair hearing on the

decision related to the claim. The household shall have 90 days to request a fair hearing;

- x. That, if not paid, the claim shall be referred to the Federal government for Federal collection action;
- xii. That the household can make a written agreement to repay the amount of the claim prior to it being referred for Federal collection action;
- xiii. That, if the claim becomes delinquent, the household may be subject to additional processing charges;
- xiv. That the CWA may reduce any part of the claim if the agency believes that the household is not able to repay the claim;
- xv. A due date or time frame to either repay or make arrangements to repay the claim, unless the CWA is to impose allotment reduction; and
- xvi. If allotment reduction is to be imposed, the percentage to be used and the effective date.

5. The due date or time frame for repayment shall be not later than 30 days after the date of the initial written notification or demand letter.

6. Subsequent demand letters or notices shall be sent in accordance with N.J.A.C. 10:87-11.21(a)1.

(j) Rules on repayment agreements are as follows:

1. Any repayment agreement for any claim shall contain due dates or time frames for the periodic submission of payments.
2. The agreement shall specify that the household shall be subject to involuntary collection action(s) if payment is not received by the due date and the claim becomes delinquent.

(k) Rules on determining delinquency are as follows:

1. Unless specified at (k)4 below, a claim must be considered delinquent if:
 - i. The claim has not been paid by the due date and a satisfactory payment arrangement has not been made; or
 - ii. A payment arrangement has been established and a scheduled payment has not been made by the due date.
2. The date of delinquency for a claim covered at (k)1i above is the due date on the initial written notification/demand letter. The claim shall remain delinquent until payment is received in full, a satisfactory payment agreement is negotiated, or allotment reduction is invoked.
3. The date of delinquency for a claim covered at (k)1ii above is the due date of the missed installment payment. The claim shall remain delinquent until payment is received in full, allotment reduction is invoked, or if the

CWA determines to either resume or renegotiate the payment schedule.

4. A claim shall not be considered delinquent if another claim for the same household is currently being paid either through an installment agreement or allotment reduction and the CWA expects to begin collection on the claim once the prior claim(s) is settled.

5. A claim is not subject to the requirements for delinquent debts if the CWA is unable to determine delinquency status because collection is coordinated through the court system.

(l) Rules concerning fair hearings and claims are as follows:

1. A claim awaiting a fair hearing decision shall not be considered delinquent.

2. If the final hearing decision, affirmed by the DFD Director, finds that a claim does, in fact, exist against the household, the household shall be re-notified of the claim. The demand for payment may be combined with the notice of the hearing decision. Delinquency shall be based on the due date of the subsequent notice and not on the initial pre-hearing demand letter sent to the household.

3. If the final hearing decision, affirmed by the DFD Director, finds that a claim does not exist, the claim is disposed of in accordance with (n) below.

(m) Rules on compromising claims are as follows:

1. The CWA may compromise a claim or any portion of a claim if it can be reasonably determined that a household's economic circumstances dictate that the claim will not be paid in three years.

2. The CWA may use the full amount of the claim (including any amount compromised) to offset benefits in accordance with N.J.A.C. 10:87-11.15(d) and (p)3 below.

3. The CWA shall reinstate any compromised portion of a claim if the claim becomes delinquent.

(n) Rules on terminating and writing-off claims are as follows:

1. A terminated claim is a claim in which all collection action has ceased. A written-off claim is no longer considered a receivable subject to continued Federal, State and county collection and reporting requirements.

2. The claim termination procedures are as follows:

i. If the CWA finds that the claim is invalid, the CWA shall discharge the claim and reflect the event as a balance adjustment rather than a termination. However, if it is appropriate to pursue the overpayment as a different type of claim (for example, as an IHE rather than an IPV claim), the CWA shall not discharge the claim.

ii. If all adult household members die, the CWA shall terminate and write-off the claim. The CWA may, however, take action to pursue the claim against the estate.

iii. If the claim balance is \$25.00 or less and the claim has been delinquent for 90 days or more, the CWA shall terminate and write-off the claim. However, if other claims exist against this household resulting in an aggregate claim total of greater than \$25.00, the claim shall not be written off.

iv. If the claim is delinquent for three years or more, the CWA shall terminate and write-off the claim. The CWA may, however, continue to pursue the claim through the Treasury Offset Program (TOP).

v. If the CWA cannot locate the household, the CWA shall terminate and write-off the claim.

vi. If, after a claim has been terminated and written-off, a new collection method or a specific event occurs (such as winning the lottery) that substantially increases the likelihood of further collections, the CWA shall reinstate the claim.

(o) Acceptable forms of payment on claims are as follows:

1. The CWA may collect a claim by:

i. Reducing benefits prior to issuance. This includes allotment reduction and offsets to restored benefits. However, the CWA shall follow the instructions and limits found at (p)1 and 3 below;

ii. Reducing benefits after issuance. These are benefits from EBT accounts. However, the CWA shall follow the instructions and limits found at (p)2 below;

iii. Accepting cash or any of its generally accepted equivalents. These equivalents include check, money order, and credit or debit cards. However, the CWA does not have to accept credit or debit cards if it does not have the capability to accept these payments;

iv. Conducting own offsets and intercepts. This includes but is not limited to wage garnishments and intercepts of various State payments. These collections are considered "cash" for claim accounting and reporting purposes. However, the CWA shall follow any limits that may apply at (p) below;

v. Requiring the household to perform public service. However, this form of payment shall be ordered by a court and specifically be in lieu of paying any claim; or

vi. Participating in the Treasury collection programs. However, the CWA shall follow the procedures found at N.J.A.C. 10:87-11.21.

(p) Collection methods for claims are as follows:

1. Rules on allotment reduction are as follows:

i. The CWA shall automatically collect payments for any claim by reducing the amount of monthly benefits that a household receives. Unless, the claim is being collected at regular intervals at a higher amount or another household is already having its allotment reduced for the same claim (see (p)1vi below).

ii. The CWA shall, for an IPV claim, limit the amount reduced to the greater of \$20.00 per month or 20 percent of the household's monthly allotment or entitlement, unless, the household agrees to a higher amount.

iii. The CWA shall, for an IHE or AE claim, limit the amount reduced to the greater of \$10.00 per month or 10 percent of the household's monthly allotment, unless, the household agrees to a higher amount.

iv. The CWA shall not reduce the initial allotment when the household is first certified, unless, the household agrees to this reduction.

v. The CWA shall not use additional involuntary collection methods against individuals in a household that is already having its benefits reduced, unless, the additional payment is voluntary; or the source of the payment is irregular or unexpected, such as a State tax refund or lottery winnings offset.

vi. The CWA may collect, using allotment reduction, from two separate households for the same claim. However, the CWA is not required to perform this simultaneous reduction.

vii. The CWA may continue to use any other collection method against any individual who is not a current member of the household that is undergoing allotment reduction.

2. Rules on collecting benefits from EBT accounts are as follows:

i. The CWA shall allow a household to pay its claim using benefits from its EBT account in accordance with N.J.A.C. 10:88-6.2. The CWA shall comply with the following EBT claims collection and adjustment requirements:

(1) For collecting from active (or reactivated) EBT benefits the CWA needs written permission, which may be obtained in advance and done in accordance with (p)2iii below; or oral permission for one time reductions with the CWA sending the household a receipt of the transaction within 10 days. The retention rates described at (v) below apply to this collection.

(2) For collecting from stale EBT benefits the CWA shall mail or otherwise deliver to the household, written notification that the CWA intends to apply the benefits to the outstanding claim, and give the household at least 10 days to notify the CWA that it does not want to use these benefits to pay the claim. The

retention rates described at (v) below apply to this collection.

(3) For making an adjustment with expunged EBT benefits the CWA shall adjust the amount of any claim by subtracting any expunged amount from the EBT benefit account which the CWA becomes aware of. This adjustment can be done at any time. The retention rates described at (v) below do not apply to this balance adjustment.

ii. A collection from an EBT account shall be non-settling against the benefit drawdown account.

iii. At a minimum, any written agreement with the household to collect the claim using active EBT benefits shall include:

(1) A statement that this collection activity is strictly voluntary;

(2) The amount of the payment;

(3) The frequency of the payments (that is, whether monthly or one time only);

(4) The length (if any) of the agreement; and

(5) A statement that the household may revoke this agreement at any time.

3. The CWA shall reduce any restored benefits owed to a household by the amount of any outstanding claim. This is called offsetting a claim and may be done at any time during the claim establishment and collection process.

4. The CWA shall accept any payment for a claim whether it represents full or partial payment. The payment may be in any of the acceptable forms described at (o) above.

5. The CWA may accept installment payments made for a claim as part of a negotiated repayment agreement. If the household fails to submit a payment in accordance with the terms of the negotiated repayment schedule, the claim becomes delinquent and it shall be subject to additional collection actions.

6. Contingent upon agreements established between DFD and the Department of Labor and Workforce Development, for inactive cases, the CWA may intercept an individual's unemployment compensation benefits (UIB) by obtaining a court order. The CWA shall report any intercept of UIB as "cash" payments to USDA.

7. If authorized by a court, the value of a claim may be paid by the household performing public service.

8. The CWA may employ any other collection actions to collect claims. These actions include but are not limited to, referrals to collection and or other similar private and public sector agencies, State tax refund and lottery offsets, wage garnishments, property liens and small claims court.

9. Rules on unspecified joint collections are as follows:

i. When a CWA receives an unspecified joint collection in which the NJ SNAP claim has been combined with one or more other program claims, the CWA shall allocate the repayment to reflect the proportionate share of monies recovered for each program. Unspecified collections for more than one program are not to be assigned solely to the non-NJ SNAP program.

ii. The proportionate share is determined by what percentage is owed to each program (TANF, NJ SNAP and Medicaid). For example, where the client owes \$1,000 to Medicaid, \$500.00 to TANF and \$500.00 to NJ SNAP, the shares are to reflect one-half of the monies returned to Medicaid, and one-quarter each respectively to TANF and the NJ SNAP program.

(q) No interest or court fees are to be applied to claims established due to the overissuance of or ineligibility for NJ SNAP benefits.

(r) Rules on refunds for overpaid claims are as follows:

1. If a household overpays a claim, the CWA shall provide a refund for the overpaid amount as soon as possible after it finds out about the overpayment. The household shall be paid by whatever method the CWA deems appropriate considering the circumstances.

2. The household is not entitled to a refund if the overpayment amount is attributed to an expunged EBT benefit.

(s) Policy on interstate claims collection is as follows:

1. Unless a transfer occurs as outlined at (s)2 and (t) below, the CWA is responsible for initiating and continuing collection action on any NJ SNAP recipient claim regardless of whether the household remains in New Jersey.

2. The CWA shall accept a claim from another state agency if the household with the claim moves into New Jersey. Once the CWA accepts this responsibility, the claim is the CWA's for future collection and reporting. CWAs shall report interstate transfers in accordance with instructions provided by USDA/FNS.

(t) If a recipient moves from one county of residence to another county of residence within the State of New Jersey, the collection of an outstanding claim can be transferred to the new county upon mutual agreement.

(u) The CWA shall act on behalf of, and as, USDA/FNS in any bankruptcy proceeding against any bankrupt households owing NJ SNAP claims. The CWA shall possess rights, priorities, interests, liens or privileges, and shall participate in any distributions of assets, to the same extent as USDA/FNS. Acting as USDA/FNS, the CWA shall have the power and authority to file objections to discharge, proofs of claims, exceptions to discharge, petitions for revocation of discharge and any other documents, motions or objections that USDA/

FNS might have filed. Any amounts collected under this authority shall be transmitted to the DFD as provided at (w) below.

(v) Retention rates for CWA use are as provided in (v)1 through 4 below:

1. If the CWA collects an IPV claim, the retention rate is 35 percent;

2. If the CWA collects an IHE claim, the retention rate is 20 percent;

3. If the CWA collects an IHE claim by reducing a person's unemployment compensation benefit, the retention rate is 35 percent;

4. If the CWA collects an AE claim, the retention rate is zero.

(w) Receipt and transmittal of collections are as follows:

1. The CWA shall instruct the household to submit checks or money orders payable to the respective CWA.

i. The CWA shall issue a lawful receipt for any repayment which is accepted. Payments received shall be deposited in the CWA Clearing Account and a record of the receipt of the payment maintained on a separate section of the Clearing Account Subsidiary Ledger.

ii. The collections received during the reporting quarter must be submitted to DFD by issuing a check, payable to "Treasurer, State of NJ" either monthly or quarterly.

(1) For purposes of recordkeeping, each CWA shall maintain a schedule of collections received during the quarter indicating the case number, household's name, amount of claim, current payment, amount paid to date and balance due.

(x) Accounting procedures are as follows:

1. The CWA shall be responsible for maintaining an accounting system for monitoring claims against households. The accounting system shall be designed to accomplish the following:

i. Document the circumstances which resulted in a claim, the procedures used to calculate the claim, the methods used to collect the claim and, if applicable, the circumstances which resulted in suspension or termination of collection action.

ii. Identify those situations in which an amount not yet restored to a household can be used to offset a claim owed by the household.

iii. Identify those households that have failed to make installment payments on their claims.

iv. Document how much money was collected and how much was submitted to DFD.

2. At a minimum, the accounting system shall document the following for each claim:

- i. The date of discovery;
- ii. The reason for the claim;
- iii. The calculation of the claim;
- iv. The date the claim was established;
- v. The methods used to collect the claim;
- vi. The amount and incidence of any claim processing charges;
- vii. The reason for the final disposition of the claim;
- viii. Any collections made on the claim; and
- ix. Any correspondence, including follow-up letters, sent to the household.

3. At a minimum, the accounting or certification system shall also identify the following for each claim:

- i. Those households whose claims have become delinquent;
- ii. Those situations in which an amount not yet restored to a household can be used to offset a claim owed by the household; and
- iii. Those households with outstanding claims that are applying for benefits.

4. When requested and at intervals determined by USDA/FNS, the accounting system shall also produce:

- i. Accurate and supported outstanding balances and collections for established claims; and
- ii. Summary reports of the funds collected, the amount submitted to DFD, the claims established and terminated, any delinquent claims processing charges, the uncollected balance and the delinquency of the unpaid debt.

5. On a quarterly basis, unless otherwise directed by DFD, the accounting system shall reconcile summary balances reported to individual supporting records.

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 "Change in household composition".

Amended by R.2007 d.129, effective May 7, 2007.
See: 38 N.J.R. 4374(a), 39 N.J.R. 1719(a).

In (a)1, substituted "food stamp benefits" for "coupons" and "EBT" for "APT"; in (o)1i through (o)1iii, substituted a semicolon for the period at the end; deleted (o)1iv; recodified (o)1v through (o)1vii as (o)1iv through (o)1vi; in (o)1iv, substituted a semicolon for a period at the end; in (o)1v, substituted "; or" for the period at the end; in (o)1vi, updated the N.J.A.C. reference; and in (p)6, substituted "and Workforce Development" for "DOL" and "to USDA" for "for reporting purposes".
Administrative correction.

See: 40 N.J.R. 1663(a).

Amended by R.2009 d.94, effective March 16, 2009.

See: 40 N.J.R. 5932(a), 41 N.J.R. 1245(b).

In (i)6 and (o)1vi, updated the N.J.A.C. reference.

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: 43 N.J.R. 2114(a), 44 N.J.R. 241(a).

In (a)1, (p)9i, (q), (s)1 and (u), substituted "NJ SNAP" for "food stamp"; in (b), substituted "CFR" for "C.F.R."; in (i)1, substituted "NJ SNAP benefits" for "Food Stamps"; in (i)2, deleted "of" following "date" and inserted "has been mailed or delivered"; in (p)9i, substituted the last occurrence of "program" for "programs"; in (p)9ii, substituted the first occurrence of "NJ SNAP" for "FS", the second occurrence of "NJ SNAP" for "Food Stamps" and the third occurrence of "NJ SNAP" for "Food Stamp"; and in (u), deleted a comma following "revocation of discharge", and substituted "that" for "which".

Case Notes

Initial Decision (2006 N.J. AGEN LEXIS 351) adopted, which found that when agency sought to recover overpayment of Temporary Assistance for Needy Families, Food Stamp allotment, and Emergency Assistance pursuant to N.J.A.C. 10:90-3.21 and N.J.A.C. 10:87-11.20, respondent could not claim equitable estoppel against a government entity in the same manner as against a private individual; furthermore, respondent did not have "clean hands" in that she intentionally failed to report earned income. Burlington County Bd. of Social Services v. T.B., OAL Dkt. No. HPW 951-05, Final Decision (May 11, 2006).

10:87-11.21 Treasury Offset Program

(a) Rules on the Treasury Offset Program (TOP) are as follows:

1. Procedures for referring debts to TOP are as follows:

i. Appropriate client contact shall be made by the CWA prior to forwarding a claim to DFD for referral to TOP.

ii. When a claim for \$25.00 or more becomes delinquent, the CWA shall send a demand letter(s) at 30, 60 and 90-day intervals to the client requesting that he or she make voluntary payment or set up a payment schedule. This will require the CWA to identify and track delinquent claims at the 30, 60 and 90-day periods.

iii. If the client has not responded to the demand letter issued at the 90-day interval, the CWA shall refer these claims to DFD for processing. A 60-day notice will be generated advising the client that if he or she does not contact the CWA for payment of the claim by the end of the 60-day period, the claim shall be referred to TOP.

iv. The CWA shall certify that all claims referred to TOP are 180 days delinquent and legally enforceable.

v. The CWA shall also follow DFD procedures regarding responding to inquiries, subsequent reviews and hearings, and any other procedures determined necessary in the debtor notification process.

2. Procedures for debts not referred to TOP are as follows:

i. The CWA shall not refer to TOP a claim when:

(1) It becomes aware that the debtor is a member of a participating household that is having its allotment reduced to collect the claim; or

(2) It falls into any other category designated by USDA/FNS and transmitted through DFD as non-referable to TOP.

3. Procedures in effect on debtors to TOP are as follows:

i. As a debtor, if the claim is referred to TOP, any eligible Federal payment which is owed may be intercepted through TOP.

ii. The debtor is also responsible for paying any collection or processing fees charged by the Federal government to intercept the payment.

4. Procedures when a claim is in TOP are as follows:

i. The CWA shall follow USDA/FNS procedures, as transmitted through DFD, when a claim is in TOP.

ii. The CWA shall inactivate or close a claim from TOP if:

(1) USDA/FNS or Treasury instructs to inactivate or close the debt; or

(2) It is discovered that:

(A) The debtor is a member of an NJ SNAP household undergoing allotment reduction;

(B) The claim is paid up;

(C) The claim is disposed of through a hearing, termination, compromise or any other means;

(D) The claim was referred to TOP in error; or

(E) An arrangement is made with the debtor to resume payments.

5. DFD transmitted procedure on receiving and reporting TOP payments shall be followed.

6. DFD transmitted procedure regarding any security or confidentiality agreements or processes necessary for TOP participation shall be followed.

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 11.19.

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 "Benefits lost prior to EPR".

Recodified from N.J.A.C. 10:87-11.22 by R.2007 d.129, effective May 7, 2007.

See: 38 N.J.R. 4374(a), 39 N.J.R. 1719(a).

Former N.J.A.C. 10:87-11.21, Operation Judgement Day, repealed.

Amended by R.2009 d.94, effective March 16, 2009.

See: 40 N.J.R. 5932(a), 41 N.J.R. 1245(b).

In the introductory paragraph of (a), inserted "the"; and in (a)1iii, deleted "OIS at" preceding "DFD", substituted "A" for "OIS, in turn, generates a" preceding "60-day notice" and inserted "will be generated".

Administrative change.
See: 44 N.J.R. 1529(a).

10:87-11.22 Set-off Individual Liability program

(a) Any refund of the NJ SNAP household's Gross Income Taxes or Homestead Saver/Rebate may be intercepted. The

intercepted amount shall be applied toward satisfaction of any debt owed to the State.

1. The CWA shall submit cases to the Set-off Individual Liability program (SOIL) using the criteria below:

i. Closed cases in which the outstanding balance on a claim is in excess of \$25.00.

ii. No payments have been received from the household for at least six months as of the date of submission of the case to SOIL.

iii. The CWA is not permitted to submit any closed NJ SNAP claim (except judgments) in which more than 10 years have passed since the established delinquent date.

iv. The CWA may reinstate a suspended, terminated or compromised claim only if no payments have been received for at least six months as of the date of submission.

2. If the CWA has obtained a judgment against an NJ SNAP household in a court of competent jurisdiction, the CWA shall submit the debt to SOIL provided:

i. The judgment balance, as of the date of submission of the claim, is in excess of \$25.00; and

ii. The judgment does not specify that the money is to be repaid in installments; or

iii. The judgment specifies that the money is to be repaid in installments and the household has made no payment for at least six months as of the date of submission.

3. NPA debts are considered judgments if any one of the following has been attained:

i. A judgment by a court of competent jurisdiction;

ii. A judgment issued as a result of an administrative disqualification hearing;

iii. A signed Waiver of Right to an Administrative Hearing; or

iv. A signed disqualification consent agreement.

4. Closed cases with an outstanding balance shall be submitted to SOIL provided:

i. The outstanding debt is in excess of \$25.00 as of the date of submission; and

ii. The case record has been examined to insure that the total amount of the outstanding debt is correct. The total amount of debt owed is to be submitted, not the monthly deduction amount (recoupment).

5. Closed cases with an outstanding judgment and a recoupment in effect upon closure shall be considered judgment cases and handled as follows:

i. The CWA shall send a letter to the former household informing them of the overpayment, the amount and reason for the overpayment and that repayment is required;

ii. The letter should be sent within one week of the judgment;

iii. If the WFNJ/NJ SNAP PA-15 (notification form) issued to close the case contains the criteria at (a)2 above information, then it can serve as the notification to the household;

iv. Joint collection shall reflect the proportionate share of monies recovered for the program in accordance with N.J.A.C. 10:87-11.20; and

v. A copy of the letter shall be included in the household's case record.

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 "Federally mandated reduction or cancellation of benefits".

Recodified to N.J.A.C. 10:87-11.21 by R.2007 d.129, effective May 7, 2007.

See: 38 N.J.R. 4374(a), 39 N.J.R. 1719(a).

Section was "Treasury Offset Program".

New Rule, R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: 43 N.J.R. 2114(a), 44 N.J.R. 241(a).

Section was "Reserved".

10:87-11.23 (Reserved)

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 "Claims against households".

10:87-11.24 (Reserved)

As amended, 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, effective 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).

Rules on nonfraud claims deleted and replaced.

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 11.22.

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 "Inadvertent household error and administrative error claims".

10:87-11.25 (Reserved)

As amended, 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, effective 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).

Complete new text, rule at this cite recodified to 10:87-11.24.

As amended, R.1984 d.68, effective March 19, 1984.

See: 15 N.J.R. 2134(b), 16 N.J.R. 550(a).

(e)1. and 2., 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 11.24 and (f) amended.

Amended by R.1998 d.498, effective October 5, 1998.

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

In (b), substituted a reference to food stamp benefits for a reference to ATPs in 3, and substituted a reference to monthly food stamp benefits for a reference to food stamp allotments in 4; and in (e), added 3.

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 "Instances requiring a claim determination for inadvertent household errors or administrative errors".

10:87-11.26 (Reserved)

As amended, R.1980 d.117, effective March 19, 1980.

See: 11 N.J.R. 517(a), 12 N.J.R. 194(b).

Added (f).

As amended, 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, effective 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 10:87-11.23; amendments to text concerning inadvertent household and administrative errors.

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 11.24 with amendments.

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: failure to respond reduced from 30 to 10 days.

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), deleted a former 2, and recodified former 3 as 2; and in (b), rewrote 1 and 2.

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 inadvertent household errors and administrative error claims".

10:87-11.27 (Reserved)

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, effective 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 10:87-11.24, "fraud" replaced by "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 with amendments from 11.25.

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 "Intentional program violation claims".

10:87-11.28 (Reserved)

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, effective 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 10:87-11.25, "fraud" replaced by "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 from 11.26 and substantially amended.

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 "Establishing an intentional program violation claim".

10:87-11.29 (Reserved)

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 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**Subchapter Historical Note**

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).

Public Notice: Food Stamp Program: Notice of Food Stamp Eligibility, Deduction and Benefit Allotment Standards. See: 38 N.J.R. 3927(b).

Public Notice: Food Stamp Program: Notice of Food Stamp Eligibility, Deduction and Benefit Allotment Standards. See: 39 N.J.R. 5375(a).

Public Notice: Food Stamp Program: Notice of Food Stamp Eligibility, Deduction and Benefit Allotment Standards. See: 40 N.J.R. 6658(b).

Public Notice: Food Stamp Program: Notice of Food Stamp Eligibility, Deduction and Benefit Allotment Standards. See: 41 N.J.R. 4564(c).

Public Notice: Food Stamp Program: Notice of Food Stamp Eligibility, Deduction and Benefit Allotment Standards. See: 42 N.J.R. 2499(a).

Public Notice: Notice of NJ SNAP Income Eligibility, Deduction and Benefit Allotment Standards. See: 43 N.J.R. 3203(a).

Public Notice: Notice of NJ SNAP Income Eligibility, Deduction and Benefit Allotment Standards. See: 44 N.J.R. 2916(b).

Public Notice: Notice of NJ SNAP Income Eligibility, Deduction and Benefit Allotment Standards. See: 45 N.J.R. 2450(a).

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 Heating and Cooling Standard Utility Allowance shall be recalculated annually by DFD effective October 1, in accordance with 7 CFR 273.9(d) and the "Texas" method-

ology 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 NJ SNAP 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 NJCPI-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 NJCPI-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.

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."

Amended by R.1982 d.318, effective September 1, 1982.

See: 14 N.J.R. 757(d), 14 N.J.R. 1057(a).

Uniform Telephone Allowance changed from \$7.96 to \$8.36, reflecting cost increase. Standard Utility Allowance changed from \$333.00 to \$179.00 reflecting summer decreases in heating costs.

Amended by R.1982 d.442, effective December 1, 1982.

See: 14 N.J.R. 1170(a), 14 N.J.R. 1463(a).

Originally filed as an emergency adoption (R.1982 d.365) on October 1, 1982. Readopted as R.1982 d.442. Updated standard utility allowance; from \$179.00 to \$286.00.

Amended by R.1983 d.72, effective February 28, 1983.

See: 15 N.J.R. 97(a), 15 N.J.R. 444(a).

Originally filed as an emergency adoption (R.1983 d.503) on December 30, 1982. Readopted as R.1983 d.72. Standard utility allowance and housing utility allowance separated and telephone allowance increased.

Amended by R.1983 d.579, effective November 29, 1983.

Originally filed as an emergency amendment R.1983 d.460, effective September 26, 1983, operative October 1, 1983.

See: 15 N.J.R. 1774(a), 15 N.J.R. 2170(c).

Standard deduction and child care/shelter deduction increased; JUA and HUA decreased by annualization.

Emergency Amendment, R.1984 d.465, effective September 28, 1984 (operative October 1, 1984, expires November 27, 1984).

See: 16 N.J.R. 2844(a).

Increased income deductions.

Readopted, R.1984 d.567, effective November 28, 1984.

See: 16 N.J.R. 2844(a), 16 N.J.R. 3450(a).

Previously emergency rule R.1984 d.465.

Emergency Amendment, R.1985 d.526, effective September 26, 1985 (operative October 1, 1985, expires November 25, 1985).

See: 17 N.J.R. 2564(a).

Income Deduction Table revised.

Readoption, R.1985 d.647, effective November 26, 1985.

See: 17 N.J.R. 2564(a), 17 N.J.R. 2978(a).

Emergency Amendment, R.1985 d.713, effective December 27, 1985 (operative January 1, 1986), expires February 24, 1986.

See: 18 N.J.R. 214(a).

Added "Standard Utility Allowance/Vendor" and "Heating Utility Allowance/Vendor" to Table 1.

Emergency Amendment, R.1986 d.191, effective April 29, 1986 (operative May 1, 1986, expires June 30, 1986).

See: 18 N.J.R. 1108(a).

Shelter deduction raised from \$139.00 to \$147.00.

Readopted Emergency Amendment and Concurrent Proposal, R.1986 d.301, effective June 30, 1986.

See: 18 N.J.R. 1108(a), 18 N.J.R. 1464(b).

Emergency Amendment, R.1986 d.436, effective September 29, 1986 (operative October 1, 1986, expires November 28, 1986).

See: 18 N.J.R. 2137(a).

Adoption of Concurrent Proposal, R.1987 d.5, effective November 26, 1986.

See: 18 N.J.R. 2137(a), 19 N.J.R. 129(a).

Emergency Amendment, R.1987 d.431, effective October 1, 1987 (expires November 30, 1987).

See: 19 N.J.R. 1916(a).

Adopted concurrent proposal, R.1987 d.529, effective November 30, 1987.

See: 19 N.J.R. 1916(a), 19 N.J.R. 2402(c).

Emergency Amendment, R.1988 d.512, effective September 30, 1988 (operative October 1, 1988, expires November 29, 1988).

See: 20 N.J.R. 2591(b).

Raise in income deductions.

Adoption of concurrent proposal, R.1989 d.1, effective November 29, 1988.

See: 20 N.J.R. 2592(a), 21 N.J.R. 21(a).

Provisions of emergency amendment R.1988 d.512 readopted without change.

Emergency Amendment, R.1989 d.533, effective September 22, 1989 (expires November 21, 1989).

See: 21 N.J.R. 3316(a).

Income deductions raised to conform to Federal requirements.

Adopted concurrent proposal, R.1989 d.606, effective November 21, 1989. See: 21 N.J.R. 3316(a), 21 N.J.R. 3918(b). Provisions of emergency amendment R.1989 d.533 readopted without change.

Amended by R.1990 d.437, effective September 4, 1990.

See: 22 N.J.R. 1670(a), 22 N.J.R. 2715(a).

Deleted Table I and added new text from (a)-(e).

Public Notice: Income deductions revised to conform to Federal requirements.

See: 21 N.J.R. 3316(a).

Maximum allowable gross income raised to conform to Federal requirements.

Adopted concurrent proposal, R.1989 d.606, effective November 21, 1989.

See: 21 N.J.R. 3316(a), 21 N.J.R. 3918(b).

Provisions of emergency amendment R.1989 d.533 readopted without change.

Amended by R.1990 d.437, effective September 4, 1990.

See: 22 N.J.R. 1670(a), 22 N.J.R. 2715(a).

Deleted Table IV, replacing with text explaining annual calculation and publishing schedule.

Public Notice: Maximum allowable gross income revised to conform to Federal requirements.

See: 24 N.J.R. 3769(b).

Public Notice: Maximum allowable gross income, effective October 1, 1993.

See: 25 N.J.R. 5365(a).

Public Notice: Maximum allowable gross income, effective October 1, 1994.

See: 26 N.J.R. 3901(a).

Public Notice: Income deductions, effective October 1, 1995.

See: 27 N.J.R. 4919(b).

Public Notice: Income deductions, effective December 1, 1995.

See: 28 N.J.R. 200(a).

Public Notice: Income deductions, effective October 1, 1996.

See: 28 N.J.R. 4677(b).

Public Notice: Income deductions, effective January 1, 1997.

See: 29 N.J.R. 947(c).

Amended by R.1998 d.498, effective October 5, 1998.

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

In (c), substituted a reference to touch-tone telephones for a reference to rotary dial telephones.

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 1998.

See: 30 N.J.R. 3866(a).

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 1999.

See: 31 N.J.R. 3135(b).

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 2000.

See: 32 N.J.R. 3667(b).

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 2001.

See: 33 N.J.R. 3556(a).

Public Notice: Food stamp eligibility, deduction and coupon allotment standards.

See: 34 N.J.R. 3544(a).

Amended by R.2004 d.181, effective May 17, 2004.

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

Rewrote (c); in (d), substituted "Limited" for "standard" in the introductory paragraph, "LUA" for "SUA" in 3; in (e), inserted reference to Cooling Standard following a reference to heating throughout and substituted "HCSUA" for "HUA" throughout.

Public Notice: Food Stamp Program.

See: 37 N.J.R. 142(b).

Amended by R.2012 d.031, effective February 6, 2012 (operative March 7, 2012).

See: 43 N.J.R. 2114(a), 44 N.J.R. 241(a).

Deleted former (c) and (d); recodified (e) as (c); in the introductory paragraph of (c), substituted "CFR" for "C.F.R."; in (c)1, substituted "NJ SNAP" for "food stamp"; and deleted (c)3 and (f).

Case Notes

Emergency adoption of regulation cited as example of timely regulation amendment. *Eherenstorfer v. Div. of Public Welfare*, 196 N.J.Super. 405, 483 A.2d 212 (App.Div.1984).

10:87-12.2 Maximum benefit allotment

The maximum NJ SNAP benefit shall be that calculated by the United States Department of Agriculture, pursuant to 7 C.F.R. 273.10(e)(4), published annually in the Federal Register, pursuant to 7 C.F.R. 273.9(e)(4), and effective October 1 of each year.

Amended by R.1979 d.234, effective July 1, 1979.

See: 11 N.J.R. 346(e).

Amended by R.1979 d.477, effective January 1, 1980.

See: 12 N.J.R. 42(a).

Increased Maximum Coupon Allotment.

Amended by R.1980 d.296, effective July 1, 1980.

See: 12 N.J.R. 482(b).

Amended to reflect the Federal adjustment in maximum allowance monthly coupon allotments.

Amended by R.1980 d.558, effective January 1, 1981.

See: 13 N.J.R. 100(e).

Substantially amended.

Amended by R.1982 d.442, effective December 1, 1982.

See: 14 N.J.R. 1170(a), 14 N.J.R. 1463(a).

Originally filed as an emergency adoption (R.1982 d.365) on October 1, 1982. Readopted as R.1982 d.442. Increase in monthly coupon allotment.

Amended by R.1983 d.579, effective November 29, 1983.

Originally filed as an emergency amendment R.1983 d.460, effective September 26, 1983, operative October 1, 1983.

See: 15 N.J.R. 1774(a), 15 N.J.R. 2170(c).

\$1 or \$2 increase in most coupon allotments.

Emergency Amendment, R.1984 d.465, effective September 28, 1984 (operative October 1, 1984).

See: 16 N.J.R. 2844(a).

Increase in coupon allotments.

Readopted, R.1984 d.567, effective November 1, 1984.

See: 16 N.J.R. 2844(a), 16 N.J.R. 3450(a).

Previously emergency rule R.1984 d.465. Maximum coupon allotment changed.

Emergency Amendment, R.1985 d.526, effective September 26, 1985 (operative October 1, 1985, expires November 25, 1985).

See: 17 N.J.R. 2564(a).

Coupon allotment revised.

Readoption, R.1985 d.647, effective November 26, 1985.

See: 17 N.J.R. 2564(a), 17 N.J.R. 2978(a).

Emergency Amendment, R.1986 d.436, effective September 29, 1986 (operative October 1, 1986, expires November 28, 1986).

See: 18 N.J.R. 2137(a).

Adoption of Concurrent Proposal, R.1987 d.5, effective November 26, 1986.

See: 18 N.J.R. 2137(a), 19 N.J.R. 129(a).

Emergency Amendment, R.1987 d.431, effective October 1, 1987 (expires November 30, 1987).

See: 19 N.J.R. 1916(a).

Adopted concurrent proposal, R.1987 d.529, effective November 30, 1987.

See: 19 N.J.R. 1916(a), 19 N.J.R. 2402(c).

Emergency Amendment, R.1988 d.512, effective September 20, 1988 (operative October 1, 1988, expires November 29, 1988).

See: 20 N.J.R. 2592(a).

Raised minimum coupon allotment.

Adoption of concurrent proposal, R.1989 d.1, effective November 29, 1988.

See: 20 N.J.R. 2592(a), 21 N.J.R. 21(a).

Provisions of emergency rule R.1988 d.512 readopted without change.

Emergency Amendment, R.1989 d.533, effective September 22, 1989 (expires November 21, 1989).

See: 21 N.J.R. 3316(a).

Maximum coupon allotments raised to conform to Federal requirements.

Adopted concurrent proposal, R.1989 d.606, effective November 21, 1989.

See: 21 N.J.R. 3316(a), 21 N.J.R. 3918(b).

Provisions of emergency amendment R.1989 d.533 readopted without change.

Amended by R.1990 d.437, effective September 4, 1990.

See: 22 N.J.R. 1670(a), 22 N.J.R. 2715(a).

Deleted Table II, replacing with text explaining annual calculation and publishing schedule.

Public Notice: Maximum Coupon Allotment (MCA) revised to conform with Federal requirements.

See: 24 N.J.R. 3769(b).

Public Notice: MCA, effective October 1, 1993.
 See: 25 N.J.R. 5365(a).
 Public Notice: MCA, effective October 1, 1994.
 See: 26 N.J.R. 3901(a).
 Public Notice: Maximum coupon allotment, effective October 1, 1995.
 See: 27 N.J.R. 4919(b).
 Public Notice: Maximum coupon allotment, effective October 1, 1996.
 See: 28 N.J.R. 4677(b).
 Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 1998.
 See: 30 N.J.R. 3866(a).
 Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 1999.
 See: 31 N.J.R. 3135(b).
 Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 2000.
 See: 32 N.J.R. 3667(b).
 Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 2001.
 See: 33 N.J.R. 3556(a).
 Public Notice: Food stamp eligibility, deduction and coupon allotment standards.
 See: 34 N.J.R. 3544(a).
 Amended by R.2004 d.181, effective May 17, 2004.
 See: 36 N.J.R. 28(a), 36 N.J.R. 2425(a).
 Substituted "maximum food stamp benefit" for "Maximum Coupon Allotment".
 Administrative change.
 See: 44 N.J.R. 1529(a).

Case Notes

Emergency adoption of regulation cited as example of timely regulation amendment. *Eherenstorfer v. Div. of public Welfare*, 196 N.J.Super. 405, 483 A.2d 212 (App.Div.1984).

10:87-12.3 Maximum allowable net income standards

The maximum allowable net income standards shall be those calculated by the United States Department of Agriculture and published annually in the Federal Register, pursuant to 7 C.F.R. 273.9(a) and effective October 1 of each year.

Amended by R.1979 d.234, effective July 1, 1979.
 See: 11 N.J.R. 346(e).
 Amended by R.1980 d.296, effective July 1, 1980.
 See: 12 N.J.R. 483(b).
 Amended by R.1981 d.400, effective October 1, 1981.
 See: 13 N.J.R. 500(a), 13 N.J.R. 772(a).
 Net income standard increased.
 Amended to reflect the Federal adjustment in maximum allowable net income standards.
 Amended by R.1982 d.318, effective September 2, 1982.
 See: 14 N.J.R. 757(d), 14 N.J.R. 1057(a).
 Increases in maximum allowable net income reflect annual Federal adjustment for cost of living.
 Amended by R.1983 d.382, effective August 30, 1983.
 See: 15 N.J.R. 1185(a), 15 N.J.R. 1583(b).
 Net income standards increased.
 Amended by R.1984 d.413, effective September 17, 1984.
 See: 16 N.J.R. 1935(a), 16 N.J.R. 2442(a).
 Net income standards increased.
 Emergency Amendment, R.1984 d.371, effective June 24, 1985 (operative July 1, 1984 expired, August 23, 1985).
 See: 17 N.J.R. 1793(a).
 Maximum Allowable Income raised.
 Readoption, R.1985 d.480, effective August 26, 1985.
 See: 17 N.J.R. 1793(a), 17 N.J.R. 2273(b).
 Emergency Amendment and Concurrent Proposal, R.1986 d. 297, effective June 30, 1986 (operative July 1, 1986).
 See: 18 N.J.R. 1490(a).
 Maximum Allowable Income raised.

Readopted Concurrent Proposal, R.1986 d.395, effective October 6, 1986.
 See: 18 N.J.R. 1490(a), 18 N.J.R. 2015(c).
 Emergency Amendment, R.1987 d.304, effective June 25, 1987 (operative July 1, 1987, expires August 24, 1987).
 See: 19 N.J.R. 1331(a).
 Adoption of Concurrent Proposal as R.1987 d.375, effective August 24, 1987.
 See: 19 N.J.R. 1331(a), 19 N.J.R. 1738(b).
 Provisions of emergency amendment R.1987 d.304 readopted without change.
 Emergency adoption, R.1988 d.512, effective September 30, 1988 (operative October 1, 1988, expires November 29, 1988).
 See: 20 N.J.R. 2592(a).
 Raised maximum allowable net income.
 Adoption of concurrent proposal R.1989 d.1, effective November 29, 1988.
 See: 20 N.J.R. 2592(a), 21 N.J.R. 21(a).
 Provisions of emergency rule R.1988 d.512 readopted without change.
 Emergency amendment, R.1989 d.533, effective September 22, 1989 (expires November 21, 1989).
 See: 21 N.J.R. 3316(a).
 Maximum allowable net income raised to conform to Federal requirements.
 Adopted concurrent proposal R.1989 d.606, effective November 21, 1989.
 See: 21 N.J.R. 3316(a), 21 N.J.R. 3918(b).
 Provisions of emergency amendment R.1989 d.533 readopted without change.
 Amended by R.1990 d.437, effective September 4, 1990.
 See: 22 N.J.R. 1670(a), 22 N.J.R. 2715(a).
 Deleted Table III, replacing with text explaining annual calculation and publishing schedule.
 Public Notice: Maximum Allowable Net Income revised to conform to Federal requirements.
 See: 24 N.J.R. 3769(b).
 Public Notice: Maximum allowable net income, effective October 1, 1993.
 See: 25 N.J.R. 5365(a).
 Public Notice: Maximum allowable net income, effective October 1, 1994.
 See: 26 N.J.R. 3901(a).
 Public Notice: Maximum allowable net income, effective October 1, 1995.
 See: 27 N.J.R. 4919(b).
 Public Notice: Maximum allowable net income, effective October 1, 1996.
 See: 28 N.J.R. 4677(b).
 Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 1998.
 See: 30 N.J.R. 3866(a).
 Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 1999.
 See: 31 N.J.R. 3135(b).
 Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 2000.
 See: 32 N.J.R. 3667(b).
 Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 2001.
 See: 33 N.J.R. 3556(a).
 Public Notice: Food stamp eligibility, deduction and coupon allotment standards.
 See: 34 N.J.R. 3544(a).
 Amended by R.2004 d.181, effective May 17, 2004.
 See: 36 N.J.R. 28(a), 36 N.J.R. 2425(a).

Law Review and Journal Commentaries

Food Stamps. Steven P. Bann, 137 N.J.L.J. No. 15, 83 (1994).

Case Notes

Adoption of amendments to regulation cited as example of swift rulemaking by Division of Public Welfare. *Eherenstorfer v. Div. of Public Welfare*, 196 N.J.Super. 405, 483 A.2d 212 (App.Div.1984).

10:87-12.4 Maximum allowable gross income standards

The maximum allowable gross income standards shall be those calculated by the United States Department of Agriculture and published annually in the Federal Register, pursuant to 7 C.F.R. 273.9(a) and effective October 1 of each year.

Amended by R.1979 d.234, effective July 1, 1979.

See: 11 N.J.R. 346(e).

Amended by R.1979 d.477, effective January 1, 1980.

See: 12 N.J.R. 42(a).

Increased Coupon allotments.

Amended by R.1980 d.296, effective July 1, 1980.

See: 12 N.J.R. 482(b).

Amended to reflect the Federal adjustment in maximum allowable net income standards, monthly coupon allotments and allowable gross income limits for tax dependents.

Amended by R.1980 d.558, effective January 1, 1981.

See: 13 N.J.R. 100(e).

Old text entirely deleted and replaced with new text.

Emergency Amendment, R.1981 d.398, effective September 30, 1981 (operative October 1, 1981), expires 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(b).

Table concerning "Monthly Coupon Allotment" deleted and replaced with "Maximum Allowable Gross Income Standards."

Amended by R.1982 d.318, effective September 2, 1982.

See: 14 N.J.R. 757(d), 14 N.J.R. 1057(a).

Increases in maximum allowable gross income reflect annual Federal adjustments for cost of living.

Amended by R.1983 d.382, effective August 30, 1983.

See: 15 N.J.R. 1185(a), 15 N.J.R. 1583(b).

Gross income standards increased.

Amended by R.1984 d.413, effective September 17, 1984.

See: 16 N.J.R. 1935(a), 16 N.J.R. 2442(a).

Gross income standards increased.

Emergency Amendment R.1985 d.371, effective June 24, 1985 (operative July 1, 1985, expires August 23, 1985).

See: 17 N.J.R. 1793(a).

Maximum Allowable Income raised.

Readoption R.1985 d.480, effective August 26, 1985.

See: 17 N.J.R. 1793(a), 17 N.J.R. 2273(b).

Emergency Amendment and Concurrent Proposal, R.1986 d.297, effective June 30, 1986 (operative July 1, 1986).

See: 18 N.J.R. 1490(a).

Maximum Allowable Income raised.

Readopted Concurrent Proposal, R.1986 d.395, effective October 6, 1986.

See: 18 N.J.R. 1490(a), 18 N.J.R. 2015(c).

Emergency Amendment, R.1987 d.304, effective June 25, 1987 (operative July 1, 1987, expires August 24, 1987).

See: 19 N.J.R. 1331(a).

Adoption of Concurrent Proposal as R.1987 d.375, effective August 24, 1987.

See: 19 N.J.R. 1331(a), 19 N.J.R. 1738(b).

Provisions of emergency amendment R.1987 d.304 readopted without change.

Emergency amendment, R.1988 d.512, effective September 20, 1988 (operative October 1, 1988, expires November 29, 1988).

See: 20 N.J.R. 2592(a).

Raised maximum allowable gross income.

Adoption of concurrent proposal R.1989 d.1, effective November 29, 1988.

See: 20 N.J.R. 2592(a), 21 N.J.R. 21(a).

Provisions of emergency rule R.1988 d.512 readopted without change.

Emergency amendment, R.1989 d.533, effective September 22, 1989 (expires November 21, 1989).

See: 21 N.J.R. 3316(a).

Maximum allowable gross income raised to conform to Federal requirements.

Adopted concurrent proposal, R.1989 d.606, effective November 21, 1989.

See: 21 N.J.R. 3316(a), 21 N.J.R. 3918(b).

Provisions of emergency amendment R.1989 d.533 readopted without change.

Amended by R.1990 d.437, effective September 4, 1990.

See: 22 N.J.R. 1670(a), 22 N.J.R. 2715(a).

Deleted Table IV, replacing with text explaining annual calculation and publishing schedule.

Public Notice: Maximum allowable gross income revised to conform to Federal requirements.

See: 24 N.J.R. 3769(b).

Public Notice: Maximum allowable gross income, effective October 1, 1993.

See: 25 N.J.R. 5365(a).

Public Notice: Maximum allowable gross income, effective October 1, 1994.

See: 26 N.J.R. 3901(a).

Public Notice: Maximum allowable gross income, effective October 1, 1995.

See: 27 N.J.R. 4919(b).

Public Notice: Maximum allowable gross income, effective October 1, 1996.

See: 28 N.J.R. 4677(b).

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 1998.

See: 30 N.J.R. 3866(a).

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 1999.

See: 31 N.J.R. 3135(b).

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 2000.

See: 32 N.J.R. 3667(b).

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 2001.

See: 33 N.J.R. 3556(a).

Public Notice: Food stamp eligibility, deduction and coupon allotment standards.

See: 34 N.J.R. 3544(a).

Amended by R.2004 d.181, effective May 17, 2004.

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

Case Notes

Adoption of amendments to regulation cited as example of swift rule-making by Division of Public Welfare. *Eherenstorfer v. Div. of Public Welfare*, 196 N.J.Super. 405, 483 A.2d 212 (App.Div.1984).

10:87-12.5 NJ SNAP allotment proration

(a) In accordance with 7 CFR 273.10(a)(1)(iii), the formula for determining NJ SNAP proration is as follows:

$$\frac{\text{Full month's benefits} \times (31 \text{ minus date of application})}{30} = \text{prorated allotment}$$

1. The computation in (a) above is to be carried out in the following sequence:

- i. Subtract the date of application from 31;
- ii. Multiply the result in setup (a)li above by the full month's benefit; and
- iii. Divide the result in step (a)lii above by 30.

(b) After using the formula in (a) above to determine the allotment, the CWA shall round the product down to the nearest lower whole dollar if it ends in 1 through 99 cents;

(c) If the computation results in an allotment of less than \$10.00, then no issuance shall be made for the initial month.

Amended by R.1979 d.234, effective July 1, 1979.

See: 11 N.J.R. 346(e).

Amended by R.1979 d.477, effective January 1, 1980.

See: 12 N.J.R. 42(a).

Increased Gross Income limits.

Amended by R.1980 d.296, effective July 1, 1980.

See: 12 N.J.R. 482(b).

Amended to reflect the Federal adjustment in maximum Gross Income Limits allowable for tax dependency.

Amended by R.1981 d.97, effective April 9, 1981.

See: 13 N.J.R. 96(c), 13 N.J.R. 228(a).

Section concerning tax dependency and allowable gross income limits repealed.

Emergency new rule, R.1981 d.398, effective September 30, 1981 (Operative October 1, 1981), expired 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).

Amended by R.1983 d.121, effective April 4, 1983.

See: 15 N.J.R. 247(a), 15 N.J.R. 625(b).

Originally adopted as an Emergency Rule, R.1983 d.38, effective January 31, 1983. The amendment was pursuant to the Omnibus Budget Reconciliation Act of 1982 (P.L. 97-253) and the Food Stamp and Commodity Distribution Amendments of 1981 (P.L. 97-98, Title 13).

Amended by R.1984 d.20, effective February 6, 1984.

See: 15 N.J.R. 1918(a), 16 N.J.R. 246(b).

Proration formula revised to eliminate downward bias.

Amended by R. 1990 d.437, effective September 4, 1990.

See: 22 N.J.R. 1670(a), 22 N.J.R. 2715(a).

In (a), included Federal citation in text.

Administrative change.

See: 44 N.J.R. 1529(a).

10:87-12.6 Monthly benefit allotment

(a) In accordance with 7 CFR 273.10(e)(2)(ii), the formula for determining the monthly benefit allotment follows:

1. To determine the benefit households shall receive:
 - i. Multiply the net monthly NJ SNAP income by 30 percent; then
 - ii. Round the product up to the next dollar if it ends in cents; then
 - iii. Subtract the result from the maximum benefit allotment for that size household.
2. If the allotment is for a one or two-person household and the initial month prorates to less than \$10.00, the benefit amount is zero for the initial month. The first full month of benefits, if the allotment is less than \$10.00, the CWA shall round up the benefit amount to \$10.00.
3. If the allotment amount is for a three or more person household, the initial month's benefit amount is zero if the allotment prorates to be less than \$10.00. The first full month of benefits, however, would be exactly what the household is entitled to.

Emergency New Rule, R.1981 d.398, effective September 30, 1981 (operative October 1, 1981), expired 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).

Amended by R.1982 d.318, effective September 2, 1982.

See: 14 N.J.R. 757(d), 14 N.J.R. 1057(a).

Rounding up prohibited in determining initial month's benefits.

Amended by R.1982 d.442, effective December 1, 1982.

See: 14 N.J.R. 1170(a), 14 N.J.R. 1463(a).

Originally filed as an emergency adoption (R.1982 d.365) on October 1, 1982. Readopted as R.1982 d.442. Rounding up of the product if it ends in cents.

Amended by R.1983 d.121, effective April 14, 1983.

See: 15 N.J.R. 247(a), 15 N.J.R. 625(b).

Originally adopted as an Emergency Rule, R.1983 d.38, effective January 31, 1983. The Amendment was pursuant to the Omnibus Budget Reconciliation Act of 1982 (P.L. 97-253) and the Food Stamp and Commodity Distribution Amendments of 1981 (P.L. 97-98, Title 13).

Amended by R. 1990 d.437, effective September 4, 1990.

See: 22 N.J.R. 1670(a), 22 N.J.R. 2715(a).

In (a): added Federal citation in text.

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 "Benefit determination without the tables:" in 1; and substituted "benefit" for "coupon" throughout.

Amended by R.2007 d.129, effective May 7, 2007.

See: 38 N.J.R. 4374(a), 39 N.J.R. 1719(a).

In (a), substituted "CFR" for "C.F.R."; in (a)1iii, substituted a period for ";" then" at the end; deleted (a)1iv; recodified (a)1v as (a)2 and rewrote (a)2; deleted (a)1vi; and added (a)3.

Administrative change.
See: 44 N.J.R. 1529(a).

10:87-12.7 165 percent of poverty level

The 165 percent of poverty level amounts shall be that established and published annually as required by 7 U.S.C. 2014(c).

Amended by R.1983 d.72, effective February 28, 1983.

See: 15 N.J.R. 247(a), 15 N.J.R. 444(a).

Originally filed as an emergency adoption (R.1983 d.38) on February 22, 1983. Readopted as R.1983 d.72.

Amended by R.1983 d.382, effective August 30, 1983.

See: 15 N.J.R. 1185(a), 15 N.J.R. 1583(b).

Amended by R.1984 d.413, effective September 17, 1984.

See: 16 N.J.R. 1935(a), 16 N.J.R. 2442(a).

Poverty level income increased.

Emergency Amendment R.1985 d.371, effective June 24, 1985 (operative July 1, 1985, expires August 23, 1985).

See: 17 N.J.R. 1793(a).

Maximum Allowable Income raised.

Readoption R.1985 d.480, effective August 26, 1985.

See: 17 N.J.R. 1793(a), 17 N.J.R. 2273(b).

Emergency Amendment and Concurrent Proposal, R.1986 d.297, effective June 30, 1986 (operative July 1, 1986).

See: 18 N.J.R. 1490(a).

Maximum Allowable Income raised.

Readopted Concurrent Proposal R.1986 d.395, effective October 6, 1986.

See: 18 N.J.R. 1490(a), 18 N.J.R. 2015(c).

Emergency Amendment, R.1987 d.304, effective June 25, 1987 (operative July 1, 1987, expires August 24, 1987).

See: 19 N.J.R. 1331(a).

Adoption of Concurrent Proposal as R.1987 d.375, effective August 24, 1987.

See: 19 N.J.R. 1331(a), 19 N.J.R. 1738(b).

Provisions of emergency amendment R.1987 d.304 readopted without change.

Emergency amendment, R.1988 d.512, effective September 30, 1988 (operative October 1, 1988, expires November 29, 1988).

See: 20 N.J.R. 2592(a).

Adoption of concurrent proposal R.1989 d.1, effective November 29, 1988.

See: 20 N.J.R. 2592(a), 21 N.J.R. 21(a).

Provisions of emergency rule R.1988 d.512 readopted without change.

Emergency amendment, R.1989 d.533, effective September 22, 1989 (expires November 21, 1989).

See: 21 N.J.R. 3316(a).

Maximum allowable income raised to conform to Federal requirements.

Adopted concurrent proposal, R.1989 d.606, effective November 21, 1989.

See: 21 N.J.R. 3316(a), 21 N.J.R. 3918(b).

Provisions of emergency amendment R.1989 d.533 readopted without change.

Amended by R.1990 d.437, effective September 4, 1990.

See: 22 N.J.R. 1670(a), 22 N.J.R. 2715(a).

Deleted (a) and Table VII, replacing with text explaining annual amounts and publication schedule.

Public Notice: Maximum allowable income revised to conform to Federal requirements.

See: 24 N.J.R. 3769(b).

Public Notice: Maximum allowable income, effective October 1, 1993.

See: 25 N.J.R. 5365(a).

Public Notice: Maximum allowable income, effective October 1, 1994.

See: 26 N.J.R. 3901(a).

Public Notice: 165 percent of poverty level amounts, effective October 1, 1995.

See: 27 N.J.R. 4919(b).

Public Notice: 165 percent of poverty level amounts, effective October 1, 1996.

See: 28 N.J.R. 4677(b).

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 1998.

See: 30 N.J.R. 3866(a).

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 1999.

See: 31 N.J.R. 3135(b).

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 2000.

See: 32 N.J.R. 3667(b).

Public Notice: Income eligibility, deduction, and coupon allotment standards, effective October 1, 2001.

See: 33 N.J.R. 3556(a).

Public Notice: Food stamp eligibility, deduction and coupon allotment standards.

See: 34 N.J.R. 3544(a).

Case Notes

Adoption of amendments to regulation cited as example of swift rulemaking by Division of Public Welfare. *Eherenstorfer v. Div. of Public Welfare*, 196 N.J.Super. 405, 483 A.2d 212 (App.Div.1984).

SUBCHAPTER 13. (RESERVED)

APPENDIX A

FISCAL MANAGEMENT

SECTION A

Technical requirements and specifications

The Division of Family Development is responsible for designing, implementing and monitoring fiscal management procedures which ensure the security and control of NJ SNAP Electronic Benefits Transfer (EBT).

The Office of Budget and Financial Management/NJ SNAP program Fiscal Office operating requirements in Ap-

pendix A are unique to the State of New Jersey NJ SNAP program fiscal administration. County Welfare Agencies (CWAs) are encouraged to submit suggestions to improve this Appendix to:

Supervisor
NJ SNAP program Fiscal Office
Office of Budget and Financial Management
Division of Family Development—PO Box 716
Trenton, N.J. 08625

1. Terms applicable to fiscal operations and their definitions are as follows:

(A) EBT: The system currently in use to provide NJ SNAP benefits electronically to the NJ SNAP recipients.

(B) eFunds: The current contractor for processing Electronic Benefits in New Jersey, eFunds Corporation.

(C) POS Terminals: The Point of Sale terminals currently in use by retailers to process the NJ SNAP benefits cashed by the NJ SNAP recipients.

(D) EBT Administrative Terminal: The software application provided by eFunds and used by CWAs to issue expedited NJ SNAP benefits online.

(E) EBT On-Line Microfiche Terminals: The application provided by eFunds and used by CWAs and State NJ SNAP program staff and other Offices to access various EBT reports provided by eFunds.

(F) Settlement: The amount of NJ SNAP benefits that are processed during a merchant's preset Automated Clearing House cut off time for a business day.

(G) FRB: The Federal Reserve Bank.

(H) AMA: Account Management Agent maintained at the FRB for New Jersey. All daily NJ SNAP authorizations by the Family Assistance Management Information System (FAMIS) are sent to AMA by eFunds.

(I) ASAP: Automated Standard Application for Payment maintained at the United States Treasury for New Jersey. NJ SNAP funds are authorized in ASAP by AMA and withdrawn by eFunds for the amount of benefits settled each day.

(J) Cutoff dates: The dates by which all FAMIS A and B forms must be submitted to the Office of Information and Technology (OIT) Data Center to be included in the current updating operation.

(K) Master file: The file maintained at the OIT Data Center which contains information relating to all NPA/PA cases which are in active status in the computer system.

(L) Sort: Sequencing of information on computer printouts by the computer program.

(M) Work record: The record maintained at the OIT Data Center which contains information relating to the current month issuance. All data that clears the various edit programs will become integrated into the FAMIS Master File with the exception of replacement data.

2. Retention of fiscal records: Retention rules for NJ SNAP program fiscal records at the CWA are divided into two categories:

(A) Category I: Computer operations source documents: FAMIS A and B source documents used for terminal input are to be retained for a period of three months after terminal entry. Copies of both are to be filed in the case record and must be retained in accordance with the case record retention schedule.

(B) Category II: Computer printouts: All originals of printout documents shall be retained for three years.

(C) Approval and destruction: Approval for destruction of documents must be received from the Bureau of Archives

and History by completing Form ED-6. Actual destruction through incineration or shredding is mandatory.

NOTE: Category II documents listed above shall not be destroyed if the CWA has been instructed in writing by DFD (or the United States Department of Agriculture/Food and Nutrition Service) to retain them.

(D) The State/CWAs are required to complete form FNS-135, Affidavit of Return or Exchange of Food Coupons, when NJ SNAP recipients repay their NJ SNAP claims using existing EBT NJ SNAP benefits.

SECTION B

Data Processing Services

1. The computer generated documents provided for CWA management of fiscal operations of the NJ SNAP program is as follows:

<u>Document Number</u>	<u>Title</u>	<u>CWA Action Required</u>	<u>Source</u>	<u>Produced</u>
CI 909-01	NJ SNAP Replacements Issued	Yes	Form A	The 10th of the month after transaction month
FC 072-01	NJ SNAP Authorizations Issued (Monthly)	No	Form A	The 4th working day prior to month
CI 940-01 CI 940-02 FC 072-03	NJ SNAP Authorizations Issued (Daily)	No	Form A	Daily
FC 072-04	NJ SNAP Authorizations Issued (Cumulative Daily)	No	Form A	The 10th of the month following transaction month end
CI 900-01	List of Transaction Errors	No	Form A	Daily

New Rule R.1989 d.121, effective February 21, 1989.
See: 20 N.J.R. 2689(a), 21 N.J.R. 511(b).
Amended by R.1990 d.565, effective November 19, 1990.
See: 22 N.J.R. 2219(a), 22 N.J.R. 3486(a).

Required the Division of Economic Assistance or the CWAs to complete Form FNS-135, Affidavit of Return or Exchange of Food Coupons, when forwarding returned coupons to the United States Department of Agriculture.

Amended by R.1991 d.247, effective May 6, 1991.
See: 23 N.J.R. 179(a), 23 N.J.R. 1412(b).
Revised text throughout to distinguish procedures for glued and/or stapled coupon booklets. Added new 3(B)(4).
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).
Administrative change.
See: 44 N.J.R. 1529(a).