

iii. Referral to affordable housing (if known) as well as referral to and/or application for other available benefits or services.

2. The county or municipal agency shall monitor compliance with the service plan at least quarterly.

3. The county or municipal agency shall reevaluate and/or revise the service plan as warranted by changes in the recipient's shelter needs and/or other pertinent circumstances.

i. When emergency assistance has been extended beyond the 12-month maximum found at N.J.A.C. 10:90-6.4(a) above for either an initial period of six months or a second period of six months (applicable to WFNJ/TANF recipients only), the service plan must be revised in order to address the special circumstances which have contributed to the hardship which caused the extension.

Amended by R.1998 d.42, effective January 20, 1998.
See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).
Deleted (a)1iv.

10:90-6.7 Payment for emergency shelter

(a) The county or municipal agency shall issue payment for emergency housing provided in hotels and motels in accordance with the schedule of per diem rates as follows:

Emergency Assistance amounts per day	
1 Person/1 room	\$35.00
2 Persons/1 room	\$45.00
3 Persons/1 room	\$53.00
4 Persons/1 room	\$53.00
4 Persons/2 rooms	\$90.00
5 Persons/1 room	\$63.00
5 Persons/2 rooms	\$90.00

Amended by R.1998 d.42, effective January 20, 1998.
See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

In (a), substituted "housing provided in hotels and motels" for "shelter"; inserted per diem rates; and deleted (b).

10:90-6.8 Intercounty/municipality transfer of EA cases

(a) Whenever a single adult, a couple without dependent children or a family with dependent children requiring the provision of EA benefits moves from one county or municipality (WFNJ/GA only) to another, the following provisions shall apply:

1. When the county or municipality of origin (that is, the county or municipality that granted the emergency assistance benefit) places the individual or family in out-of-county/municipality emergency housing, the county/municipality of origin shall retain financial responsibility for the shelter payments, regular assistance payments and issuance of food stamp benefits, if applicable, as well as other monitoring functions until the homelessness is resolved or permanent housing is obtained. If mutually agreed upon by the two counties or municipalities, the new county or municipality of residence may assume full

responsibility for administration of the case, provided transfer requirements promulgated by DFD have been fulfilled.

2. When an EA recipient residing in one county or municipality voluntarily takes up residence in another county or municipality, without county or municipal agency intercession, the new county or municipality of residence shall assume responsibility provided the client remains eligible for EA payments, as well as all other monitoring requirements, including any cash assistance benefits, pursuant to transfer requirements promulgated by DFD. The recipient must apply for cash assistance in the new county or municipality and for food stamps in the new county. The time requirements for such transfers as found at N.J.A.C. 10:90-7 shall apply.

3. When a WFNJ recipient voluntarily moves from one county or municipality to another, with or without county or municipal agency intercession, and a subsequent change in circumstances results in the need for EA, the new county or municipality of residence shall immediately assume responsibility to determine eligibility for EA payments, as well as all other monitoring functions, pursuant to case transfer provisions at N.J.A.C. 10:90-7.

4. Any case transfer management disputes which cannot be resolved locally shall be referred to DFD to determine which county or municipal agency has responsibility for administration of the case. The decision of DFD shall be considered final and binding upon all parties involved.

Amended by R.1998 d.42, effective January 20, 1998.
See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

10:90-6.9 Commissioner's pilot project for WFNJ/GA emergency assistance extensions

(a) Pursuant to P.L. 1997, c.14, § 10 (Work First New Jersey act), approved January 29, 1997, the Commissioner is authorized to waive compliance with the requirements of the Work First New Jersey (WFNJ) program to the extent the Commissioner deems it necessary to conduct experimental, pilot or demonstration projects which are likely to help promote the objectives of the WFNJ program. The 12 cumulative month limit on receipt of Emergency Assistance imposed by law was implemented effective July 1, 1997 as was the 10 percent limit on WFNJ/General Assistance Emergency Assistance (GA EA) extensions. Consistent with the objectives of WFNJ to help individuals find employment and resolve emergency situations, a WFNJ/GA EA pilot project is being established for those WFNJ/GA individuals who are losing eligibility for EA effective July 1, 1998. Under this pilot project, the 10 percent limit on WFNJ EA extensions for the GA component of the program as stipulated at N.J.A.C. 10:90-6.4(c) is being waived only for those EA recipients losing eligibility for EA benefits effective July 1, 1998. Under the GA/EA initiative, such individuals may qualify for an EA extension as outlined in this section. This initiative will provide additional time for

county and municipal agencies to work with recipients who are granted an extension to resolve the recipient's emergency situation. In return for the granting of these extensions, all such EA recipients are expected to fully cooperate with their EA service plans and all other WFNJ requirements including the recipient's individual responsibility plan, if applicable.

(b) Those individuals who are losing eligibility for EA due to the 12 cumulative month limit effective July 1, 1998 shall be eligible for an EA extension of up to three months in accordance with the following provisions. Such individuals must make application for this extension.

1. Recipients who meet the criteria as delineated at N.J.A.C. 10:90-6.4(b), or (b)1i below and are in full compliance with their service plan, Individual Responsibility Plan (IRP), if applicable, and all other WFNJ requirements shall, as determined by the agency, receive an EA extension.

i. For purposes of this pilot project, when a recipient is participating in an approved work activity leading to employment or participating in a substance abuse program, the recipient shall be eligible to receive EA benefits.

2. In addition, recipients who are otherwise eligible and are complying with all WFNJ requirements shall be granted an extension if the agency determines that one of the following criteria exist:

i. The recipient does not have an EA service plan as required by N.J.A.C. 10:90-6.6(a)1 or the recipient has an EA service plan but the county or municipal agency has not reviewed, monitored and updated the EA service plan at least quarterly as required by N.J.A.C. 10:90-6.6(a)2. Upon granting of an extension, the county/municipal agency shall review, develop, and/or update the EA service plan, as appropriate, within five days of the granting of an extension; or

ii. The recipient does not have an IRP, if applicable, or the recipient has an IRP but the county or municipal agency has not reviewed, monitored and updated the IRP at the time of case redetermination as required by N.J.A.C. 10:90-4.8. Upon granting of an extension, the county/municipal agency shall develop, or review and update the IRP, as appropriate, within five days of the granting of an extension.

(c) When emergency assistance has been extended beyond the 12-month maximum in accordance with the provisions of this pilot project for a period of up to three months, the EA service plan must be developed, updated or revised in order to address the special circumstances which have contributed to the hardship which caused the extension.

(d) When EA extensions are granted, the county or municipal agency shall review each such case monthly to determine if the hardship continues to exist and to determine if the individual is fully complying with his or her EA service plan and IRP, if applicable.

(e) All recipient/agency responsibilities delineated at N.J.A.C. 10:90-6.6 shall be applicable to this pilot project.

(f) Recipients in EA extension who fail to comply with their EA service plans or with their IRP or other WFNJ requirements shall have their EA extension terminated.

(g) Recipients who are not granted an extension under the provisions of this pilot project may request a fair hearing if they are in full compliance with all other WFNJ requirements.

(h) Recipients who are granted up to a three-month extension under this pilot project may, when the WFNJ/GA EA pilot project extension ends, apply for a hardship extension subject to the 10 percent cap under the provisions set forth at N.J.A.C. 10:90-6.4(b) and (c).

Emergency New Rule, R.1998 d.363, effective June 24, 1998 (to expire August 23, 1998).

See: 30 N.J.R. 2778(a).

Adopted concurrent proposal, R.1998 d.476, effective August 21, 1998. See: 30 N.J.R. 2778(a), 30 N.J.R. 3550(b).

Readopted the provisions of R.1998 d.363 without change.

10:90-6.10 Commissioner's pilot project for emergency assistance extensions for long term chronically impaired (LTCI) individuals

(a) This pilot project is established pursuant to P.L. 1997, c.14, § 10 (Work First New Jersey Act), approved January 29, 1997, wherein the Commissioner of the Department of Human Services is authorized to waive compliance with the requirements of the Work First New Jersey (WFNJ) program to the extent the Commissioner deems it necessary to conduct experimental, pilot or demonstration projects which are likely to help promote the objectives of the WFNJ program. The rules contained herein expand upon the provisions governing the granting of extensions of EA to recipients of WFNJ/General Assistance (GA) EA as found at N.J.A.C. 10:90-6.4(c), WFNJ/Temporary Assistance to Needy Families (TANF) EA and Federal Supplemental Security Income (SSI) payments, as found at N.J.A.C. 10:90-6.4(d), provided such individuals continue to need EA and are otherwise eligible for EA in accordance with N.J.A.C. 10:90-6.1.

(b) Under this pilot project, the following individuals shall be eligible to apply for an EA extension of up to 12 months: those WFNJ/TANF/GA and SSI recipients who are about to lose eligibility for EA due to the expiration of the three-month initial WFNJ/GA/EA pilot established at N.J.A.C. 10:90-6.9; or the expiration of the six-month 10 percent cap on WFNJ/GA/EA extensions; or who have received EA payments for 18 cumulative months (WFNJ/TANF or SSI); or whose EA was or will be terminated on or before September 30, 1999 due to a municipality's 10 percent capped limit on extensions having been met. In addition, individuals whose participation in the LTCI pilot project will expire on or before October 1, 1999 due to the 12-month limit enumerated in this subsection who are otherwise eligible for EA and continue to need EA benefits shall receive an additional extension of up to 12 months of EA. The need for these extended LTCI benefits shall be reevaluated at the time of the individual's next regularly scheduled redetermination.

1. All individuals enumerated in (b) above shall receive extended EA benefits for the month of October 1999, pending agency action on their application for an extension, provided that they continue to need EA; remain otherwise eligible for EA; and are in receipt of EA during the month of September 1999.

2. This pilot project shall continue intake through September 30, 2000. Between the date of implementation of this pilot and September 30, 2000, the county or municipal agency shall provide both Form WFNJ/EA-11, Application for the WFNJ Emergency Assistance Pilot Project for the Long-Term Chronically Impaired, as well as Form WFNJ-76, Application for an Extension of Emergency Assistance, to all those individuals enumerated in (b) above when they are served with Form WFNJ-15 (EA), Notification Form (revised September 1998). Recipients must make application in accordance with the provisions contained in this section. EA benefits continue to be paid until eligibility for the pilot has been determined.

i. The county or municipal agency shall first evaluate the application for participation in the pilot project. Only if pilot eligibility is not certified shall the agency then determine if the individual is eligible for the 10 percent capped hardship extension based on the information provided by the applicant on Form WFNJ-76.

3. In addition to meeting the criteria as delineated in (b)4 below, applicants for an extension under this pilot shall, as a condition of eligibility, be required to be in full compliance with their EA service plan and all other WFNJ requirements, including their IRP, as appropriate.

i. The agency shall not deny or terminate EA benefits when the absence of an EA service plan is due to the agency's failure to develop a plan with the recipient or the agency has not monitored the plan, as required.

4. For purposes of this pilot project, an EA recipient shall be eligible to receive extended EA benefits when the

WFNJ/TANF/GA recipient who is about to lose EA benefits meets one or more of the following criteria:

i. There is documentation of long term medical or psychological problems, which indicates that the individual is unlikely to ever secure and/or maintain employment. The documentation must be for a period of at least two years and shall consist of at least one approved Form WFNJ-5S, Confidential Medical-Psychiatric Examining Physician's Report, along with actual medical/psychological evidence that was submitted during the two-year period;

ii. There is independent documentation of a history of clinical/medical diagnosis that the individual is mentally and/or physically incapable of self-care, resulting in serious actual or potential harm to the individual. Documentation may include, for example, an approved WFNJ-5S, actual medical/psychological evidence, or records of hospitalization;

iii. There is documentation of current participation in a substance abuse treatment program, including prescribed related aftercare. (Upon completion of a substance abuse program, including any prescribed follow-up plan for the individual, the individual shall be reevaluated to determine whether continued eligibility for EA exists). Documentation may include, for example, a copy of a completed Form WFNJ-90, Work First New Jersey Drug Treatment Report Form, or copies of attendance records/verification forms from the substance abuse treatment center;

iv. There is agency documentation of a history of mental and/or physical inability to take care of oneself, resulting in serious potential or actual harm to the individual based on agency observation as documented in the case file. Documentation may be provided from the case record, worker's observations supported by a Form WFNJ-6, Work First New Jersey Medical-Social Information Report and/or verification from Community Based Organizations (CBOs) regarding the individual's mental and/or physical incapacity;

v. There is documentation of a history of recurrent inpatient hospital care or institutionalization due to a clinically/medically diagnosed chronic medical/psychological condition, which renders the individual functionally, incapacitated;

vi. The individual is age 60 or above. (These individuals shall be required to apply for other benefits for which they may be potentially eligible, such as Retirement, Survivors and Disability Insurance (RSDI) or SSI);

vii. The individual has been diagnosed as HIV positive with symptoms; or, has active AIDS; or, is terminally ill and unable to perform activities of daily living; or

viii. The individual is an RSDI/SSI applicant pending approval or appeal of a denial, who fully cooperates with all WFNJ requirements related to applying for RSDI/SSI.

(c) County/municipal agency responsibilities are as follows:

1. For purposes of this pilot, the county/municipal agencies shall be responsible for:

i. Determining eligibility by reviewing the pilot application and supporting documentation and documenting the agency's determination through use of Form WFNJ/EA-12, Certification Form for the WFNJ Emergency Assistance Pilot Project for the Long Term Chronically Impaired, for each eligible recipient.

(1) All supporting documentation, including the county/municipal agency's certification of eligibility for pilot participation, shall be maintained in the case record. Such documents shall be made available for DFD Quality Control Review. Such reviews shall be conducted to determine validity of agency eligibility decisions. County/municipal agencies shall be held liable for invalid EA payments made as a result of incorrect eligibility determinations. Invalid pilot EA payments, as well as the costs associated with any ineligible participant shall be ineligible for State financial participation;

ii. Notifying individuals of their eligibility status for an extension under the pilot through the use of Form WFNJ/EA-14, Notification Form for an Extension of Emergency Assistance in the Long Term Chronically Impaired Pilot Project;

iii. Making appropriate referrals to contracted attorneys and/or physicians to assist applicants in completion of SSI applications or appeals from denials of SSI applications; and

iv. Completing and submitting monthly reports on the WFNJ/EA pilot project. Form WFNJ/EA-13, Monthly Enrollment Report on the WFNJ/EA Pilot Project for the Long Term Chronically Impaired, shall be used for this purpose.

(d) All EA recipient/agency responsibilities delineated at N.J.A.C. 10:90-6.6 shall be applicable to this pilot project.

(e) Recipients of an EA extension under this pilot who fail to comply with their EA service plans or other WFNJ requirements, including their IRP, as appropriate, shall have their EA extension terminated.

(f) The county/municipal agency shall take all necessary steps to move those WFNJ/TANF/GA/EA or SSI/EA recipients who are residing in a hotel, motel, or shelter housing arrangement to a temporary rental assistance (TRA) housing arrangement as soon as possible but no later than 60 days from the date of granting an extension under this pilot project or from November 1, 1998, whichever is later. This provision shall not apply to special populations, such as victims of domestic violence and individuals with AIDS who reside in housing arrangements that meet their specific needs.

(g) Recipients who are not granted an extension under the provisions of this pilot project and who request a hearing concerning this denial shall receive continued EA pending a hearing decision if they are in full compliance with all other WFNJ requirements and signify their desire to receive continued EA benefits.

Emergency New Rule, R.1998 d.516, effective September 30, 1998 (operative October 1, 1998; to expire November 29, 1998).

See: 30 N.J.R. 3858(a).

Adopted concurrent proposal, R.1998 d.589, effective November 25, 1998.

See: 30 N.J.R. 3858(a), 30 N.J.R. 4384(a).

Emergency amendment R.1999 d.372, effective September 30, 1999 (to expire November 29, 1999).

See: 31 N.J.R. 3131(a).

In (b), substituted references to 1999 for references to 1998 throughout, added the second and third sentences in the introductory paragraph, and substituted references to 2000 for references to 1999 in the introductory paragraph in 2.

SUBCHAPTER 7. ADDITIONAL AGENCY RESPONSIBILITIES

10:90-7.1 Establishment and maintenance of case records

(a) The case record is the official file, whether computerized or hard copy, of forms, chronological narrative, correspondence and other documents pertinent to the application and determination of eligibility for WFNJ benefits. It constitutes a complete record of the county/municipal agency's decisions and actions concerning eligibility for assistance in each case. Since it is the record on which decisions to grant, deny or continue assistance in accordance with law and regulations are made, it is mandatory that a case record be established and maintained for every individual who applies for and/or receives WFNJ benefits.

1. Records shall also be established and kept when emergency assistance or service payments are made to or on behalf of SSI recipients. Records shall likewise be established when burial expense payments are made on behalf of non-WFNJ recipients pursuant to the listing of persons who may be eligible for such payments as found in N.J.A.C. 10:90-8.2.

(b) The case record shall be kept confidential as described in N.J.A.C. 10:90-7.7.

(c) It is the right of every applicant for or recipient of WFNJ or his or her authorized representative to review the contents of his or her case file. Applicants or recipients or their authorized representatives shall make an appointment with appropriate agency staff when review of the case file is desired so that the review may take place at the convenience of all the parties. Requests for review shall be responded to in a reasonable amount of time. See N.J.A.C. 10:90-9.11 concerning access to the case file and related documents prior to a fair hearing.

10:90-7.2 Contents of the case record

(a) The validity of all case action rests primarily on the corroborating data in the case record, whether computerized or hard copy. The following items shall be part of the case record:

1. All completed forms necessary for the appropriate assistance programs;
2. A record of any contact with the WFNJ client and a summary of the information obtained;
3. All related referrals, correspondence, memoranda and documents, except those which are required by law or regulation to be maintained in some other files; and
4. A record of all pertinent verifications, such as, but not limited to, birth certificates, Social Security numbers, driver's licenses, and so forth.

Amended by R.1998 d.42, effective January 20, 1998.
See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

10:90-7.3 Maintenance, custody, movement and transfer of case records

(a) The county/municipal agency shall maintain an up-to-date record of all cases of recipients approved to receive assistance while out of the State.

(b) There shall be a supervisory review of the status of these cases to assure that no payments are issued beyond the period for which approval has been given, unless and until an extension of continued assistance is approved by the DFD, and that payments are terminated when and if eligibility ceases.

(c) Recipients who are receiving assistance out-of-State shall be afforded the same full advance notice, including information about their hearing rights, in accordance with present policy. A copy of any such notice shall be sent to any out-of-State agency with which there has been communication regarding the case.

(d) Responsibility for WFNJ benefits shall be transferred from one county to another when a recipient/family moves to another county.

(e) A temporary visit by the assistance unit shall not be considered to be a change of county/municipal residence until that visit has continued for more than a one-month period.

(f) Those WFNJ/TANF cases which receive only Medicaid or a Medicaid extension shall also be transferred to the

new county of residence in the same manner as active WFNJ/TANF cases when the family moves from the county of origin.

(g) The well-being of recipients shall not be adversely affected by a transfer from one county/municipality to another and their right to uninterrupted assistance shall not be prejudiced by any disagreement that arises between the county/municipality of origin and the receiving county/municipality.

(h) Any case transfer management disputes which cannot be resolved locally shall be referred to the DFD to determine which county/municipal agency has responsibility for the case. In such instances, the decision of the DFD shall be considered final and binding on all parties involved.

Amended by R.1998 d.42, effective January 20, 1998.
See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

10:90-7.4 Issuance of photo identification cards and fingerimaging

(a) Each WFNJ/TANF adult recipient shall be required, as a condition of eligibility, either to participate in the fingerimaging process or to accept a photo identification (ID) card, as appropriate, and agree to be photographed for the purpose of placing a photo on an ID card unless refusal to do so is based on the reasons found in (e)3 and 4 below. Agencies administering the WFNJ/GA program shall have the option of issuing a photo ID card to recipients.

(b) Until the electronic benefit transfer system (EBT) has been implemented Statewide, the county agency shall continue to issue a photo ID card to each assistance payee. Once a county begins to implement the EBT system, the county agency shall no longer be required to issue a photo ID card to each adult recipient but will have the option of continuing the issuance of photo ID cards separate from the EBT cards. The photo ID card shall be used as proof of eligibility and to make check cashing possible.

(c) The county agency shall establish a procedure for completion of the ID card that shall ensure that the WFNJ recipient need make only one visit to the agency for that purpose.

(d) Each photo ID card shall, at a minimum, include the name, case number, color photograph and signature of the recipient. The county seal or other type of logo produced via a validation plate shall overlap upon the ID card and the photo to preclude substitution of the photo.