

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

1. The Major Non-Heating Utility component shall be calculated by collecting data from food stamp households in 1977 and 1978 to ascertain the non-heating utility expenses which those households incurred. The data shall be arranged to project what the 95th percentile of such monthly costs are, thus arriving at a Base Period amount of \$49.00 per month. The Base Period amount shall be updated to reflect projected non-heating major utility costs by using the U.S. Bureau of Labor Statistics' Consumer Price Indices-Urban "Fuels" item for the New York/Northern New Jersey and Philadelphia metropolitan regions to create an average "New Jersey Consumer Price Index" (NJ CPI-U) which represents major non-heating utility costs incurred in New Jersey urban areas. The 12 NJ CPI-U statistics representing July of the previous year through June of the current year shall be trended (straight line, least squares method) to project the average non-heating index amounts for November of the current year to October of the following year. The comparison of this average to that which existed in 1977 shall produce an inflation adjustment factor to be applied to the average monthly non-heating base cost figure of \$49.00.

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

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

(e) The Heating Utility Allowance shall be recalculated annually by DFD effective October 1, in accordance with 7 CFR 273.9(d) and the "Texas" methodology described in

USDA Notice No. 79-47, issued May 25, 1979 and shall be the sum of the following:

1. The Major Heating Utility component shall be calculated by collecting data from food stamp households in 1977 and 1978 to ascertain the heating utility expenses which those households incurred. The data shall be arranged to project what the 75th percentile of such monthly costs are, thus arriving at a winter Base Period amount of \$128.00 to represent November through April monthly utility costs, and a summer Base Period amount of \$44.00 to represent May through October monthly utility costs. Each base period amount shall be updated to reflect heating utility costs by using the U.S. Bureau of Labor Statistics' Consumer Price Indices-Urban "Fuels" item for the New York/Northern New Jersey and Philadelphia metropolitan regions. The six NJ CPI-U statistics for July through December of the previous year shall be trended (straight line, least squares method) to project the average heating index amounts for November of the current year through April of the following year. The six NJ CPI-U statistics for January through June of the following year shall be trended (straight line, least squares method) to project the average heating index amounts for May through October of the following year. Each amount shall be compared to the 1977 base data, thus creating an inflation adjustment factor. Each inflation adjustment factor shall be applied to the appropriate winter or summer Base Period amount. The totals shall be averaged to arrive at the annual Heating Utility component.

2. The Minor Non-Heating Utility component described at N.J.A.C. 10:87-12.1(d)2 shall be included in the HUA.

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

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

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

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

Amended by R.1979 d.387, effective October 1, 1979.

See: 11 N.J.R. 448(a), 11 N.J.R. 559(a).

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

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

Standard Deduction was \$70.00

Amended by R.1980 d.154, effective May 1, 1980.

See: 12 N.J.R. 278(d).

Utility Allowance was \$189.00.

Amended by R.1980 d.418, effective November 1, 1980.

See: 12 N.J.R. 663(b).

SUA amended to winter rate of \$259.00

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

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

Standard deduction was \$75.00: "Dependent" care was "child" care, \$90.00.

Amended on an emergency basis, R.1981 d.398, effective September 30, 1981 (operative October 1, 1981), exp. November 30, 1981. See: 13 N.J.R. 769(a). Readopted, R.1981 d.517, effective December 31, 1981.

See: 13 N.J.R. 769(a), 14 N.J.R. 103(a).
 Standard utility allowance increased from "\$259.00" to "\$333.00."
 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 I.
 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).

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 coupon allotment

The Maximum Coupon Allotment shall be that calculated by the United States Department of Agriculture, pursuant to 7 CFR 273.10(e)(4), published annually in the Federal Register, pursuant to 7 CFR 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).

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 CFR 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).

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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 CFR 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(a).

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).

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).

10:87-12.5 Food stamp allotment proration

(a) In accordance with 7 CFR 273.10(a)(1)(iii), the formula for determining food stamp 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)1i above by the full month's benefit; and
- iii. Divide the result in step (a)1ii 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.

10:87-12.6 Monthly coupon allotment

(a) In accordance with 7 CFR 273.10(e)(2)(ii), the formula for determining the monthly coupon allotment is as follows:

1. Benefit determination without the tables: To determine the benefit households shall receive:
 - i. Multiply the net monthly food stamp 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 coupon allotment for that size household; then
 - iv. If the computation results in an allotment of \$1.00, \$3.00 or \$5.00, round up to \$2.00, \$4.00 or \$6.00, respectively when determining initial month's benefits.
 - v. If the allotment is for a one or two-person household and is less than \$10.00, round up to the minimum monthly allotment of \$10.00 except when determining initial month's benefits;
 - vi. If the calculation of benefits for an initial month would result in an allotment of less than \$10.00 for the household, no benefits shall be issued to the household for the initial month.

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.

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).

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. NEW JERSEY SUPPLEMENTARY FOOD STAMP PROGRAM

10:87-13.1 Purpose

(a) The New Jersey Supplementary Food Stamp Program provides nutritional assistance to those categories of noncitizens who were rendered ineligible for the Federal Food Stamp Program by Section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 (P.L. 104-193).

(b) The New Jersey Supplementary Food Stamp Program employs all Federal Food Stamp Program rules which are in effect in New Jersey under this chapter as amended by both Federal statute and policy instruction issued by the United States Department of Agriculture, with the exception of (b)1 and 2 below.

1. N.J.A.C. 10:87-3.8 as amended by Federal statute, which defines the categories of noncitizens who are eligible for the Federal Food Stamp Program, is not applicable to applicants for benefits under the New Jersey Supplementary Food Stamp Program.

2. The work registration requirements at N.J.A.C. 10:87-10.4 through 10.9 are not applicable to those New Jersey Supplementary Food Stamp Program recipients identified in N.J.A.C. 10:87-13.2(a)6. Those noncitizens shall meet their work requirement through the work activities of the WFNJ Program.

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), substituted "Supplementary" for "State" following "New Jersey"; and rewrote (b).

10:87-13.2 Eligibility

(a) Provided that all other Federal Food Stamp Program eligibility requirements are met, only the following noncitizens who are ineligible for the Federal Food Stamp Program due to noncitizen eligibility criteria shall be eligible for participation in the New Jersey Supplementary Food Stamp Program:

1. Noncitizens under the age of 18;
2. Noncitizens age 65 or over;
3. Noncitizens who are receiving SSI benefits, including individuals determined to be essential persons under the SSI program;

4. Noncitizens who are mentally or physically incapacitated. In the event that such disability is claimed, but is not evident, then the following shall be accepted:

i. Current receipt of temporary or permanent disability benefits issued by governmental or private sources, including Social Security disability payments;

ii. A statement from a physician or licensed or certified psychologist which substantiates the applicant's claim of disability. The statement shall be accepted by

the county agency either in writing or by telephone; and

5. Noncitizens who are receiving Work First New Jersey GA benefits who are considered unemployable.

6. Noncitizens who are the natural or adoptive parents, stepparents, or legal guardians residing with their dependent children under the age of 18, subject to the following: