

Amended by R.1990 d.388, effective August 6, 1990.

See: 22 N.J.R. 1520(a), 22 N.J.R. 2318(b).

Definitions recodified to 3.3; text on purpose added.

Amended by R.1991 d.215, effective April 15, 1991 (operative May 1, 1991).

See: 23 N.J.R. 382(a), 23 N.J.R. 1191(a).

Deleted reference to "rooming house".

### 10:123-3.2 Scope

This subchapter applies to all eligible residents, as defined in this subchapter, of all boarding houses and residential health care facilities in the State of New Jersey as such are defined in this subchapter.

Amended by R.1990 d.388, effective August 6, 1990.

See: 22 N.J.R. 1520(a), 22 N.J.R. 2318(b).

Text on amount recodified to 3.4; text on scope added.

Amended by R.1991 d.215, effective April 15, 1991 (operative May 1, 1991).

See: 23 N.J.R. 382(a), 23 N.J.R. 1191(a).

Deleted reference to "rooming houses".

#### Case Notes

Regulations adopted as emergency rules valid, but remanded for public notice and opportunity for public to be heard; submission of rule adoption prior to effective date of enabling act proper as Commissioner has implied authority to propose regulations to be effective concurrently with the enabling act. *New Jersey Assn. of Health Care Facilities v. Klein*, 182 N.J.Super. 252, 440 A.2d 476 (App.Div.1981).

### 10:123-3.3 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings.

"Boarding house" means any building, together with any related structure, accessory building, any land appurtenant thereto, and any part thereof, which contains two or more units of dwelling space arranged or intended for single-room occupancy, exclusive of any such unit occupied by an owner or operator, and wherein personal or financial services are provided to the residents, including any residential hotel or congregate living arrangement, but excluding any hotel, motel, or established guest house wherein a minimum of 85 percent of the units of dwelling space are offered for limited tenure only, any foster home as defined in Section 1 of N.J.S.A. 30:4C-26.1, and community residence for the developmentally disabled as defined in N.J.S.A. 30:11B-2, any dormitory owned or operated on behalf of any nonprofit institution of primary, secondary, or higher education for the use of its students, any building arranged for single-room occupancy wherein the units of dwelling space are occupied exclusively by students enrolled in a full-time course of study at any institution of higher education approved by the Commission on Higher Education, and any facility or living arrangement operated by, or under contract with any State department or agency upon the written authorization of the Commissioner of the Department of Community Affairs.

"Eligible resident" means a resident of a boarding house or residential health care facility who receives Supplemental Security Income or General Assistance, and as otherwise de-

defined in the Rooming and Boarding House Act of 1979, N.J.S.A. 30:1A and 11A.

"Limited tenure" means residence at a rooming or boarding house on a temporary basis for a period lasting no more than 90 days, when a resident either maintains a primary residence at a location other than the rooming or boarding house or intends to establish a primary residence at such a location and does so within 90 days after taking up original residence at the rooming or boarding house.

"Operator" means any individual who is responsible for the daily operation of any residential health care facility or boarding house.

"Owner" means any person who owns, purports to own, or exercises control of any residential health care facility or boarding house.

"Personal needs allowance" means a monthly amount of money intended to meet those personal and incidental expenses or needs of Supplemental Security Income recipients in residential health care facilities or boarding houses which are not included among those services provided by the facility in accord with the respective licensure standards.

"Residential health care facility" means facility, whether in single or multiple dwellings, whether public or private, whether incorporated or unincorporated, whether for profit or nonprofit, operated at the direction of or under the management of an individual or individuals, corporation, partnership, society, or association which furnishes food and shelter to four or more persons 18 years of age or older who are unrelated to the proprietor, and which provides dietary services, recreational activities, supervision of self-administration of medications, supervision of and assistance in activities of daily living and assistance in obtaining health services to any one or more of such persons, excluding, however, any community residence for the developmentally disabled as defined in N.J.S.A. 30:11B-2, any facility of living arrangement operated by or under contract with any State department or agency, upon the written authorization of the Commissioner of the Department of Health and Senior Services, and any privately operated establishment licensed under N.J.S.A. 30:11A.

"Single-room occupancy" means an arrangement of dwelling space which does not provide a private, secure dwelling space arranged for independent living, which contains both the sanitary and cooking facilities required in dwelling spaces pursuant to the Hotel and Multiple Dwelling Law, N.J.S.A. 55:13A-1 et seq. and which is not used for limited tenure occupancy in a hotel, motel, or established guest house, regardless of the number of individuals occupying any room or rooms.

"Units of dwelling space" means any room, rooms, suite, or portion thereof, whether furnished or unfurnished, which is occupied or intended, arranged, or designed to be occupied, for sleeping or dwelling purposes by one or more persons.

“Work First New Jersey/General Assistance” means assistance rendered to needy persons not otherwise provided for under the laws of this State, where such persons are willing to work but are unable to secure employment due either to physical or mental disabilities or inability to find employment, and includes what is commonly called relief or emergency relief (see N.J.S.A. 44:8-107 et seq. and N.J.A.C. 10:90).

Amended by R.1981 d.423, effective November 2, 1981.

See: 13 N.J.R. 595(a), 13 N.J.R. 774(b).

“General Public Assistance” and “Supplemental Security Income/Social Security Income Disregard (SSI/SSA)” added.

Amended by R.1982 d.301, effective September 7, 1982.

See: 14 N.J.R. 699(a), 14 N.J.R. 981(b).

Definition of SSI/SSA Income Disregard deleted.

Amended by R.1990 d.388, effective August 6, 1990.

See: 22 N.J.R. 1520(a), 22 N.J.R. 2318(b).

Definitions recodified from 3.1 with minor revisions.

Amended by R.1991 d.215, effective April 15, 1991 (operative May 1, 1991).

See: 23 N.J.R. 382(a), 23 N.J.R. 1191(a).

Revised “Eligible resident” to clarify covered clientele.

Amended by R.2000 d.255, effective June 19, 2000.

See: 32 N.J.R. 640(a), 32 N.J.R. 2240(a).

In “Boarding house”, substituted a reference to the Commission on Higher Education for a reference to the Department of Higher Education; deleted “General Public Assistance”; and added “Work First New Jersey/General Assistance”.

#### 10:123-3.4 Amount

(a) The owner or operator of each residential health care facility or boarding home shall reserve to each Supplemental Security Income (SSI) recipient residing therein, and the owner or operator of each residential health care facility shall reserve to each Work First New Jersey/General Assistance recipient residing therein, a personal needs allowance in the amount of at least \$100.00 per month, set according to (b) below, and noticed in the New Jersey Register and otherwise publicized, in accordance with (c) below. No owner or operator or agency thereof shall interfere with the recipient’s retention, use, or control of the personal needs allowance.

(b) The personal needs allowance shall be adjusted annually based on the following calculations: the Federal portion of the current total SSI rate multiplied by the Federal Cost of Living Adjustment (COLA) to be applied to the succeeding year equals the actual dollar increase (rounded to the nearest dollar); the actual dollar increase divided by the current total SSI rate equals the adjusted COLA for the succeeding year; the adjusted COLA multiplied by the current annualized base PNA equals the monthly PNA increase for the succeeding year. For the purposes of this rule, the COLA means the cost of living adjustment published annually in the Federal Register, in accordance with 42 U.S.C. 415i and 1382f.

(c) The personal needs allowance for each calendar year shall be noticed in the New Jersey Register on or about January 1 of that year, and shall be considered the current personal needs allowance for that calendar year. Additional notice shall be provided in at least three newspapers of general circulation in the State of New Jersey before January

1 of that year, and by other means reasonably calculated to inform those persons most likely to be affected by or interested in the personal needs allowance increase for that calendar year.

Amended by R.1983 d.588, effective December 19, 1983.

See: 15 N.J.R. 1735(a), 15 N.J.R. 2172(b).

Personal needs allowance increased from \$46.00 to \$50.00 per month.

Amended by R.1985 d.134, effective March 18, 1985.

See: 17 N.J.R. 39(b), 17 N.J.R. 707(a).

Personal needs allowance raised from \$50.00 to \$52.00 per month.

Amended by R.1986 d.42, effective February 18, 1986.

See: 17 N.J.R. 2995(a), 18 N.J.R. 419(a).

Personal needs allowance raised from \$52.00 to \$53.00 per month.

Amended by R.1988 d.201, effective May 2, 1988.

See: 20 N.J.R. 225(b), 20 N.J.R. 985(b).

Raised personal needs allowance from \$53.00 to \$55.00 per month.

Amended by R.1989 d.171, effective February 28, 1989.

See: 21 N.J.R. 788(a).

Emergency amendment, R.1989 d.171, effective February 28, 1989. (expires April 29, 1989).

See: 21 N.J.R. 788(a).

Raised personal needs allowance from \$55.00 to \$57.00 per month.

Amended by R.1989 d.285, effective April 28, 1989.

See: 21 N.J.R. 788(a), 21 N.J.R. 1575(a).

Raised personal needs allowance from \$55.00 to \$57.00 per month.

Amended by R.1990 d.137, effective February 20, 1990 (operative March 1, 1990).

See: 21 N.J.R. 3912(a), 22 N.J.R. 661(a).

Raised personal needs allowance from \$57.00 to \$59.00 per month.

Recodified by R.1990 d.388, effective August 6, 1990.

See: 22 N.J.R. 1520(a), 22 N.J.R. 2318(b).

Text on amount recodified from 3.2.

Amended by R.1991 d.215, effective April 15, 1991 (operative May 1, 1991).

See: 23 N.J.R. 382(a), 23 N.J.R. 1191(a).

\$62.00 per month was \$59.00 per month.

Amended by R.1992 d.177, effective April 20, 1992 (operative May 1, 1992).

See: 24 N.J.R. 330(a), 24 N.J.R. 1503(a).

Increased personal needs allowance from \$62.00 to \$65.00.

Amended by R.1993 d.152, effective April 5, 1993 (operative May 1, 1993).

See: 25 N.J.R. 229(a), 25 N.J.R. 1515(a).

Increased personal needs allowance from \$65.00 to \$66.50.

Amended by R.1993 d.489, effective October 4, 1993.

See: 25 N.J.R. 2684(a), 25 N.J.R. 4598(a).

Administrative Change: Personal needs allowance, effective January 1, 1994.

See: 25 N.J.R. 5705(b).

Administrative Change: Personal needs allowance, effective January 1, 1995.

See: 26 N.J.R. 5023(b).

Administrative change: Personal needs allowance, effective January 1, 1996.

See: 27 N.J.R. 5053(a).

Administrative change: Personal needs allowance, effective January 1, 1997.

See: 28 N.J.R. 5174(b).

Administrative change: Personal needs allowance, effective January 1, 1998.

See: 29 N.J.R. 5329(a).

Administrative change: Personal needs allowance, effective January 1, 1999.

See: 31 N.J.R. 75(a).

Administrative change.

See: 31 N.J.R. 4045(a).

Amended by R.2000 d.255, effective June 19, 2000.

See: 32 N.J.R. 640(a), 32 N.J.R. 2240(a).

In (a), substituted a reference to Work First New Jersey/General Assistance for a reference to General Public Assistance and substituted a reference to \$75.50 for a reference to \$73.50.

Administrative change.  
 See: 32 N.J.R. 4258(b).  
 Administrative change.  
 See: 34 N.J.R. 4444(a).  
 Administrative change.  
 See: 35 N.J.R. 5592(a).  
 Administrative change.  
 See: 36 N.J.R. 5684(b).  
 Administrative change.  
 See: 37 N.J.R. 4556(a).  
 Administrative change.  
 See: 39 N.J.R. 934(a).  
 Administrative correction.  
 See: 39 N.J.R. 934(b).  
 Administrative change.  
 See: 41 N.J.R. 1866(b).

Family Size	Maximum Allowable Per Month	Gross Income Per Year
6	3,207	38,489
7	3,280	39,362
8	3,353	40,238
9	3,426	41,112
10	3,499	41,987
11	3,572	42,862
12	3,645	43,737

For each family member over 12, add \$73.00 to the maximum allowable gross income per month.

(b) Persons whose gross monthly or annual family income does not exceed the maximums established in (a) above shall be eligible for services provided by the county welfare agency and funded by the Social Services Block Grant program, subject to the availability of funds, service priorities and need for service criteria.

(c) Persons who wish to appeal a determination of ineligibility for services based upon the income guidelines in (a) above shall proceed in accordance with N.J.A.C. 1:10.

SUBCHAPTER 4. FINANCIAL ELIGIBILITY

10:123-4.1 Financial eligibility: income schedule

(a) Financial eligibility for services provided by the county welfare agencies and funded through the Social Services Block Grant program of the Social Security Act shall be determined using the following income schedule:

INCOME SCHEDULE

Family Size	Maximum Allowable Per Month	Gross Income Per Year
1	\$1,264	\$15,162
2	1,652	19,827
3	2,041	24,493
4	2,430	29,158
5	2,819	33,823

Recodified by R.1990 d.388, effective August 6, 1990.  
 See: 22 N.J.R. 1520(a), 22 N.J.R. 2318(b).

Text on financial eligibility recodified from 1.1.  
 Amended by R.2000 d.255, effective June 19, 2000.  
 See: 32 N.J.R. 640(a), 32 N.J.R. 2240(a).

In (a), changed Income Schedule amounts for a family size of 2; in (b), added “, subject to the availability of funds, service priorities and need for service criteria” at the end; and in (c), changed N.J.A.C. reference.

Amended by R.2011 d.146, effective June 6, 2011.  
 See: 42 N.J.R. 2916(a), 43 N.J.R. 1341(a).

In (c), updated the N.J.A.C. reference.