

4. Direct expenditures of the CWA in a reasonable and prudent manner to effectuate the purposes of any public assistance program, including reallocating funds within the CWA budget and determine additional amounts of revenue needed to ensure the efficient and effective administration of such programs within the agency's budget;

5. Operate the CWA; and

6. Do all acts necessary or appropriate to ensure that the needs of eligible public assistance recipients are met pursuant to State and Federal law.

#### 10:84-1.5 State fair hearings for State assumption of CWA operations

(a) Any county that wishes to appeal a decision by the Department concerning State assumption of the CWA's operations is entitled to request a State fair hearing within 10 days of the date postmarked on the envelope containing the notice of State assumption of operations. The request shall be made, in writing, to DFD's Bureau of Administrative Review and Appeals (BARA) by the CWA director, president of the county welfare board or by a representative of the county governing authority.

1. When a request is received by BARA, it shall immediately be registered as of that date.

2. All assumption hearing requests shall be transmitted to the Office of Administrative Law (OAL) for a hearing before an Administrative Law Judge (ALJ).

3. The OAL shall schedule the State assumption hearing and send any necessary notices to all appropriate parties concerned. The hearing shall be in accordance with the provisions of N.J.A.C. 1:1.

(b) A final administrative hearing decision shall be rendered by the Commissioner of the Department of Human Services or his or her designee. All parties to the matter shall be notified by mail of any decision or order. The final decision shall be effective on the date of issuance.

1. The county may appeal the final decision rendered by the Commissioner or designee through the Appellate Division of the Superior Court; however, such appeal shall not delay implementation of the final decision.

#### 10:84-1.6 Standard of need

(a) P.L. 1997, c.13 requires the Commissioner of the Department of Human Services to establish, by regulation, a standard of need and update the standard annually. In order to be in compliance with the law, New Jersey has established the standard of need in (d) below which only serves as a benchmark to assist the Legislature in determining payment levels in public assistance programs, as may be required.

(b) The standard of need is comprised of housing, food, transportation, and miscellaneous expenses.

(c) The standard of need shall be updated annually by the Division of Family Development (DFD) with the methodology used to determine the standard of need as follows:

1. Housing costs are calculated using the highest United States Department of Housing and Urban Development Fair Market Rental (FMR) value for New Jersey, the Bergen-Passaic Metropolitan Statistical Area which is a 50th percentile FMR.

2. The cost of food is based on the 2001 USDA Low Cost Food Plan, and reflects weighted composite families representative of the current caseload. Future updates can be revised to match a changing caseload.

3. Transportation costs are calculated using the NJ Transit 2 zone bus pass amount of \$54.00 per month and adding an additional \$27.00 for each additional family member to cover the cost of children utilizing public transportation services.

4. Miscellaneous expenses are calculated by adding the total of housing, food and transportation costs in (c)1 through 3 above and taking 15 percent of that amount. Miscellaneous expenses include clothing, paper products, baby products, cleaning supplies, household items, nonprescription items, personal hygiene items, and telephone.

(d) The standard of need is set forth in the table below. Each year, the Department of Human Services will provide, through a notice of administrative change published in the New Jersey Register, an updated standard of need.

#### Standard of Need

<u>Number in Family</u>	<u>Monthly Standard</u>
1	\$1,660
2	\$1,915
3	\$2,439
4	\$3,191
5	\$3,446
6	\$4,054
7	\$4,309
8	\$4,563
more than 8	add \$255 each person

New Rule, R.2003 d.232, effective June 16, 2003.

See: 34 N.J.R. 4307(a), 35 N.J.R. 2668(a).

Administrative change.

See: 36 N.J.R. 4146(a).

Administrative change.

See: 37 N.J.R. 2543(a).

Administrative change.

See: 38 N.J.R. 3307(a).

Administrative change.

See: 39 N.J.R. 4930(b).