

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:

<u>Emergency Assistance amounts per day</u>	
1 Person/1 room	\$ 50.00
2 Persons/1 room	\$ 60.00
3 Persons/1 room	\$ 75.00
4 Persons/1 room	\$ 75.00
4 Persons/2 rooms	\$105.00
5 Persons/1 room	\$ 85.00
5 Persons/2 rooms	\$105.00

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).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In the schedule of per diem rates, increased payments for emergency housing.

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 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 temporary 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 determined appropriate to receive TRA benefits moves to permanent housing in another county/ municipality, with or without county or municipal agency intercession, the new county or municipality of residence shall assume responsibility for the TRA benefits, EA case management, WFNJ case management and cash assistance benefits provided the client remains eligible for EA payments after the recipient makes application for services in the new county/municipality, and pursuant to transfer requirements at N.J.A.C. 10:90-7.

3. 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.

4. 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.

5. 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).

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

In (a), inserted "temporary" before "emergency housing" in the first sentence of 1, added 2, recodified existing 2 through 4 as 3 through 5.

10:90-6.9 Supportive Housing Assistance Program (SHAP) pilot project

(a) The SHAP 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 SHAP pilot project expands upon the provisions governing the granting of extensions of Emergency Assistance (EA) to recipients of WFNJ/General Assistance (GA) EA as found at N.J.A.C. 10:90-6.4(c), WFNJ/Temporary Assistance for Needy Families (TANF) 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) One purpose of the SHAP pilot project is to extend EA benefits for WFNJ recipients who otherwise qualify for Temporary Rental Assistance (TRA) and may have exhausted at least six months of their 12 cumulative-month lifetime limit on receipt of EA benefits in temporary housing, such as a hotel, motel, or shelter and subsequently locate permanent housing; and to recipients whose emergency assistance benefits terminated due to the 12 cumulative-month lifetime

limit on receipt of EA benefits and who are experiencing a new housing crisis. The second purpose of the SHAP pilot is to provide WFNJ recipients who are determined permanently disabled, as well as SSI recipients with up to an additional 36 months of EA.

1. Under the SHAP pilot project, WFNJ recipients who are engaged or eligible to engage in employment or a program designed to prepare recipients for competitive employment, may receive up to an additional 12 months of EA, plus up to two six-month extensions (see N.J.A.C. 10:90-6.4), in accordance with the following provisions:

i. Recipients must be in compliance with all WFNJ program requirements, including the EA services plan;

ii. Recipients must be participating or eligible to participate in a Federally defined work activity or, as appropriate, the Substance Abuse Initiative (SAI) or the Mental Health Initiative (MHI);

iii. Recipients must be in receipt of EA benefits and residing in a hotel, motel, or shelter placement paid for by the county or municipal agency, and have exhausted at least six months of their 12-month lifetime limit; or the recipient's emergency assistance benefits terminated due to the 12 cumulative-month lifetime limit on receipt of EA benefits and he or she is experiencing a new housing crisis; and

iv. Recipients must have located permanent or transitional housing and are in need of TRA benefits. The housing must be considered likely to become affordable during the receipt of SHAP benefits, or the housing must be the least costly arrangement and serve to preserve the family structure.

2. SSI recipients and WFNJ recipients who are determined permanently disabled and are in imminent danger or homelessness, shall receive up to 36 months of SHAP when one or more of the following criteria are met:

i. The individual has applied for and is either pending approval or appealing a denial for Retirement, Survivors and Disability Insurance (RSDI) and/or SSI disability benefits, which shall be supported by a WFNJ/MED-1 form substantiating at least 12 months of disability. The individual shall cooperate with all WFNJ requirements related to applying for RSDI/SSI disability benefits;

ii. The recipient is the sole caretaker of a severely disabled or seriously ill dependent child or family member;

iii. There is recent documentation of long-term medical or psychological problems, which indicates that the individual is unlikely to ever secure and/or maintain employment;

iv. There is 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 Form WFNJ-6, Work First New Jersey Medical Social Information Report, and/or verification from community-based organizations 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. The individual shall be required to apply for other benefits for which he or she may be potentially eligible, such as RSDI or SSI; or

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.

(c) After receipt of SHAP, if additional assistance is needed, the recipient shall be evaluated for a hardship extension in accordance with N.J.A.C. 10:90-6.4.

(d) Recipients who lost Section 8 housing for non-compliance with Section 8 housing rules and regulations are not eligible for SHAP.

(e) WFNJ recipients must agree to a mandatory vendor-restricted payment for the payment of rent and/or other utilities, as deemed appropriate by the agency.

(f) In accordance with N.J.A.C. 10:90-6.3, the county and municipal agencies are authorized to make the following payments under SHAP:

1. Payment of security deposits shall be made for eligible recipients when permanent housing has been located. Security deposits shall not be counted toward the months in SHAP.

i. If a recipient is placed in temporary housing while awaiting final arrangements for permanent housing, the time spent in temporary housing shall not count toward the SHAP benefit, as long as the recipient is currently receiving EA or is in a hardship extension.

2. Payment of retroactive utilities may be made in accordance with N.J.A.C. 10:90-6.3(a)5 and shall be counted as one month of receipt of SHAP benefits for each two months paid, not to exceed three months of SHAP benefits; and

3. Payment of retroactive rent or mortgage may be made in accordance with N.J.A.C. 10:90-6.3(a)5 and shall be counted month for month toward SHAP benefits.

(g) County and municipal agency responsibilities include, but are not limited to, the following:

1. Determining SHAP eligibility;
2. Developing and updating the EA Service Plan, as appropriate, but not less than every six months;
3. Placing recipients in TRA within three months or as soon as possible;
4. Ensuring that all supporting documentation, including the county or municipal agency's certification of recipient disability/unemployability, shall be maintained in the recipient's case record for recipients determined disabled or unemployable;
5. Referring recipients to appropriate agencies and programs to meet the recipient's needs, which may include, but not be limited to, substance abuse, medical services, and mental health screening and services. Additionally, as appropriate, making necessary transportation arrangements;
6. Documenting that recipients apply for permanent housing including Section 8, public housing, project or tenant-based vouchers, State-Rental Assistance Program and Housing First programs and accept that housing if offered; and
7. Assuring that recipients are referred to apply for SSI, RSDI, or other cash benefits to which the recipients might be entitled. For recipients who have been denied SSI, the agency shall ensure that the recipients follow through with all levels of the appeal process.

New Rule, R.2008 d.313, effective October 20, 2008.
See: 40 N.J.R. 2191(a), 40 N.J.R. 6205(a).
Section was "Reserved".

10:90-6.10 Commissioner's Long Term Support Program (LTSP) pilot project for emergency assistance extensions

(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. This section expands upon the provisions governing the granting of extensions of Emergency Assistance (EA) to recipients of WFNJ/General Assistance (GA) EA as found at N.J.A.C. 10:90-6.4(c), WFNJ/Temporary Assistance for Needy Families (TANF), 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) The purpose of the Long Term Support Program (LTSP) is to provide intensive case management and housing referral services to WFNJ/TANF/GA and SSIEA recipients. A comprehensive service plan will be developed for each LTSP participant. The LTSP shall assess each recipient's needs for physical health services, mental health services, transportation needs, more affordable and more permanent housing, financial management, AIDS treatment, substance abuse problems, and other specialized services. The LTSP shall identify EA recipients who possibly are eligible to apply for SSI benefits. Once those needs are identified, the LTSP shall refer the individual to the appropriate agencies and services. The LTSP is effective on October 1, 2002, and intake for the LTSP shall cease on October 1, 2005.

(c) Under the LTSP, the following individuals shall be eligible to apply for an EA extension of up to 36 cumulative months: those WFNJ/TANF/GA and SSI recipients who have received EA payments for 12 cumulative months (WFNJ/TANF/GA or SSI) under N.J.A.C. 10:90-6.4(a); or who have received EA payments for 18 cumulative months (WFNJ/TANF or SSI) under N.J.A.C. 10:90-6.4(d); or who are about to lose eligibility for EA due to the expiration of the six-month 10 percent cap on WFNJ/TANF/GA/EA extensions under N.J.A.C. 10:90-6.4(c) or (d) 2; or who have received EA payments for 12 cumulative months under N.J.A.C. 10:90-6.4(e). EA recipients shall have their application for LTSP assistance processed before processing an application for EA under the 10-percent capped hardship extension (N.J.A.C. 10:90-6.4(c) or (d)2).

1. All individuals enumerated in (c) above shall receive extended EA benefits for the month of October 2002, pending agency action on their application for an EA extension under the LTSP, provided that they continue to need EA; remain otherwise eligible for EA; and are in receipt of EA during the month of September 2002.

2. Continued eligibility for the LTSP shall be reviewed at least once every three months.

(d) A WFNJ/TANF/GA or SSI recipient shall be eligible to receive LTSP benefits when the WFNJ/TANF/GA recipient who is about to lose EA benefits meets one or more of the following criteria:

1. 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-MED-1, Examination Report, along with actual medical/psychological evidence that was submitted during the two-year period;

2. 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 Form WFNJ-MED-

1, actual medical/psychological evidence, or records of hospitalization;

3. 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;

4. There is 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 regarding the individual's mental and/or physical incapacity;

5. 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;

6. The individual is age 60 or above. The individual 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;

7. 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