

**CHAPTER 90**  
**WORK FIRST NEW JERSEY PROGRAM**

**Authority**

N.J.S.A. 30:1-12.

**Source and Effective Date**

R.2007 d.240, effective July 16, 2007.  
See: 39 N.J.R. 832(a), 39 N.J.R. 3936(a).

**Chapter Expiration Date**

Chapter 90, Work First New Jersey Program, expires on July 16, 2012.

**Chapter Historical Note**

Chapter 90, The Handbook for Home Services Program, was filed and became effective prior to September 1, 1969. Chapter 90, The Handbook for Home Services Program, was repealed by R.1980 d.208, effective May 9, 1980. See: 12 N.J.R. 192(a), 12 N.J.R. 323(a).

Chapter 90, Monthly Reporting Policy Manual, was adopted as R.1982 d.399, effective November 15, 1982. See: 14 N.J.R. 958(a), 14 N.J.R. 302(a).

Pursuant to Executive Order No. 66(1978), Chapter 90, Monthly Reporting Policy Manual, was readopted as R.1987 d.454, effective November 16, 1987. See: 19 N.J.R. 1517(a), 19 N.J.R. 2193(a). Pursuant to Executive Order No. 66(1978), Chapter 90, Monthly Reporting Policy Manual, expired on October 14, 1992.

Chapter 90, Work First New Jersey Program, was adopted as R.1997 d.311, effective July 1, 1997 (to expire January 1, 1998). See: 29 N.J.R. 3287(a).

Pursuant to Executive Order No. 66(1978), Chapter 90, Work First New Jersey Program, was readopted as R.1998 d.42, effective December 10, 1997. See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Subchapter 17, Early Employment Initiative (EEI), was adopted as R.1998 d.383, effective July 20, 1998. See: 30 N.J.R. 1489(a), 30 N.J.R. 3656(a) (operative August 1, 1998).

Subchapter 18, Essex/Atlantic Substance Abuse Research Demonstration, was adopted as R.1999 d.66, effective March 1, 1999. See: 30 N.J.R. 3629(a), 31 N.J.R. 685(a).

Subchapter 19, Kinship Care Subsidy Program (KCSP), was adopted as R.2002 d.349, effective November 4, 2002. See: 33 N.J.R. 4191(a), 34 N.J.R. 3778(b).

Chapter 90, Work First New Jersey Program, was readopted as R.2003 d.226, effective May 5, 2003. As a part of R.2003 d.226, Subchapter 18, Essex/Atlantic Substance Abuse Research Demonstration, was repealed and Subchapter 18, Substance Abuse, and Subchapter 20, The Family Violence Option Initiative, were adopted as new rules, effective June 16, 2003. See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Chapter 90, Work First New Jersey Program, was readopted as R.2007 d.240, effective July 16, 2007. See: Source and Effective Date.

**CHAPTER TABLE OF CONTENTS**

**SUBCHAPTER 1. GENERAL PROVISIONS**

- 10:90-1.1 Purpose, philosophy and scope of the WFNJ program
- 10:90-1.2 Opportunity and decision to apply
- 10:90-1.3 Immediate need
- 10:90-1.4 Notice and information to client
- 10:90-1.5 Prompt disposition by the county or municipal agency
- 10:90-1.6 Primary source of information

- 10:90-1.7 Nondiscrimination
- 10:90-1.8 Adherence to law and regulations
- 10:90-1.9 No duplication of assistance
- 10:90-1.10 Assistance to non-English speaking applicants
- 10:90-1.11 Release of information by county or municipal agency
- 10:90-1.12 Refusal to apply for eligible benefits
- 10:90-1.13 Change in circumstances
- 10:90-1.14 Issuance of summons or subpoena
- 10:90-1.15 Voluntary quit
- 10:90-1.16 Assignment or transfer of property

**SUBCHAPTER 2. NON-FINANCIAL ELIGIBILITY REQUIREMENTS**

- 10:90-2.1 General provisions
- 10:90-2.2 WFNJ TANF/GA eligibility requirements
- 10:90-2.3 Time limits on eligibility for WFNJ TANF/GA benefits
- 10:90-2.4 Exemptions from the 60-cumulative-month time limit
- 10:90-2.5 Extensions to the 60-cumulative-month time limit
- 10:90-2.6 Family violence
- 10:90-2.7 Composition of the WFNJ/TANF and WFNJ/GA eligible assistance unit
- 10:90-2.8 Individuals ineligible for WFNJ TANF/GA
- 10:90-2.9 Definition of employable/unemployable persons in WFNJ/GA
- 10:90-2.10 WFNJ TANF/GA citizenship/eligibility requirements
- 10:90-2.11 WFNJ TANF/GA residency requirements
- 10:90-2.12 County/municipal residence for identification
- 10:90-2.13 Temporary absence from the State (WFNJ TANF/GA)
- 10:90-2.14 Responsibility of a parent to report temporary absence of a child from the home
- 10:90-2.15 Child, parent or WFNJ/GA individual in an institution
- 10:90-2.16 Absence for reasons other than institutionalization
- 10:90-2.17 Provisions for minor parents
- 10:90-2.18 Family cap provision for WFNJ/TANF
- 10:90-2.19 Refusal to cooperate with Quality Assurance reviews
- 10:90-2.20 The Supportive Assistance for Individuals and Families (SAIF) Program

**SUBCHAPTER 3. FINANCIAL ELIGIBILITY—INCOME, RESOURCES, BENEFITS**

- 10:90-3.1 General financial eligibility provisions
- 10:90-3.2 Determining initial financial eligibility for WFNJ/TANF assistance units with dependent children
- 10:90-3.3 WFNJ/TANF-initial allowable maximum income and maximum benefit payment levels (Schedules I and II)
- 10:90-3.4 Determining initial financial eligibility for employable WFNJ/GA assistance units
- 10:90-3.5 WFNJ/GA employable, initial allowable maximum income and maximum benefit payment levels (Schedules III and IV)
- 10:90-3.6 Eligibility/maximum benefit payment levels for WFNJ/GA unemployable single adults and couples without dependent children (Schedule V)
- 10:90-3.7 Computing prorated cash assistance benefits for WFNJ TANF/GA recipients
- 10:90-3.8 Computing the WFNJ TANF/GA monthly cash benefit using disregards for earned and unearned income
- 10:90-3.9 Income—WFNJ TANF/GA
- 10:90-3.10 Resources—WFNJ TANF/GA
- 10:90-3.11 Determining the income of WFNJ TANF/GA assistance units
- 10:90-3.12 Treatment of income and resources from eligible and noneligible individuals in the WFNJ TANF/GA household, as appropriate
- 10:90-3.13 Treatment of income for needy stepparents who are married to a WFNJ recipient parent
- 10:90-3.14 Treatment of income for non-needy stepparents who are married to a natural or adoptive WFNJ recipient parent

- 10:90-3.15 Eligibility of sponsored aliens and deeming of sponsor's income and resources to a sponsored alien for eligible aliens who entered the United States after August 22, 1996
- 10:90-3.16 Deeming income of parents of adolescent parents
- 10:90-3.17 WFNJ/GA special payment provisions for other living arrangements
- 10:90-3.18 Treatment of lump sum income WFNJ TANF/GA
- 10:90-3.19 Exempt income
- 10:90-3.20 Exempt resources
- 10:90-3.21 Overpayments and underpayments
- 10:90-3.22 WFNJ TANF/GA case redetermination process
- 10:90-3.23 Payees in WFNJ

**SUBCHAPTER 4. WFNJ WORK REQUIREMENTS**

- 10:90-4.1 General work requirement provisions
- 10:90-4.2 Work activity participation
- 10:90-4.3 Description of work activities
- 10:90-4.4 (Reserved)
- 10:90-4.5 Conditions under which CWEP and AWEP shall be regarded as employment
- 10:90-4.6 Work activity placement parameters
- 10:90-4.7 The "Individual Responsibility Plan (IRP) Development Tool and Employability Profile" (IDT) (assessment)
- 10:90-4.8 Individual responsibility plan (IRP)
- 10:90-4.9 WFNJ comprehensive social assessment (CSA)
- 10:90-4.10 Deferrals from the work requirement
- 10:90-4.11 Good cause
- 10:90-4.12 (Reserved)
- 10:90-4.13 Sanctions
- 10:90-4.14 Voluntary quit (recipients)
- 10:90-4.15 Removal/lifting and rescission of sanctions
- 10:90-4.16 Sanction accruals
- 10:90-4.17 Effective date of sanctions
- 10:90-4.18 Intent to comply
- 10:90-4.19 Appeals
- 10:90-4.20 Injury compensation for CWEP and AWEP participants
- 10:90-4.21 Failure to comply with work requirements for individuals in post 60-month extension or exemption status

**SUBCHAPTER 5. SUPPORTIVE SERVICES**

- 10:90-5.1 Introduction
- 10:90-5.2 Child care services
- 10:90-5.3 Child care for special circumstances
- 10:90-5.4 Transportation services
- 10:90-5.5 Work expense allowance
- 10:90-5.6 Medical support services
- 10:90-5.7 Retroactive Medicaid
- 10:90-5.8 Medicaid Special
- 10:90-5.9 Medicaid extension (employment-related)
- 10:90-5.10 Medicaid extension (child support-related)
- 10:90-5.11 Supplemental Work Support Program
- 10:90-5.12 Career Advancement Voucher Program
- 10:90-5.13 Housing Subsidy Program
- 10:90-5.14 Supplemental Living Support (SLS) Program
- 10:90-5.15 Mental Health Initiative
- 10:90-5.16 TANF Initiative for Parents (TIP) Program

**SUBCHAPTER 6. EMERGENCY ASSISTANCE**

- 10:90-6.1 Availability of emergency assistance
- 10:90-6.2 Persons eligible for emergency assistance
- 10:90-6.3 Kinds of emergency assistance authorized
- 10:90-6.4 Time limitations
- 10:90-6.5 Recipient contribution
- 10:90-6.6 Recipient/agency responsibilities
- 10:90-6.7 Payment for emergency shelter
- 10:90-6.8 Intercounty/municipality transfer of EA cases
- 10:90-6.9 Supportive Housing Assistance Program (SHAP) pilot project
- 10:90-6.10 Commissioner's Long Term Support Program (LTSP) pilot project for emergency assistance extensions

**SUBCHAPTER 7. ADDITIONAL AGENCY RESPONSIBILITIES**

- 10:90-7.1 Establishment and maintenance of case records
- 10:90-7.2 Contents of the case record
- 10:90-7.3 Maintenance, custody, movement and transfer of case records
- 10:90-7.4 Issuance of photo identification cards
- 10:90-7.5 Lost or stolen benefits
- 10:90-7.6 Reporting of child abuse and neglect
- 10:90-7.7 Confidential nature of information
- 10:90-7.8 Settlement of suits and claims

**SUBCHAPTER 8. SPECIAL PROVISIONS FOR PAYMENT OF FUNERAL AND BURIAL EXPENSES**

- 10:90-8.1 Payment of funeral and burial expenses
- 10:90-8.2 Persons who may be eligible
- 10:90-8.3 Funeral and burial contracts
- 10:90-8.4 Definitions and conditions
- 10:90-8.5 Authorization of payment
- 10:90-8.6 Time of payment
- 10:90-8.7 Irregularities
- 10:90-8.8 Requirements pertaining to SSI or Medicaid Only recipients

**SUBCHAPTER 9. NOTICES AND HEARINGS IN WFNJ**

- 10:90-9.1 Notice to applicant/recipient
- 10:90-9.2 Definitions related to hearings
- 10:90-9.3 Right to a fair hearing
- 10:90-9.4 Rules applicable to WFNJ/GA applicants/recipients
- 10:90-9.5 Responsibilities of the county/municipal agency in processing hearing requests
- 10:90-9.6 Responsibilities of the Division of Family Development
- 10:90-9.7 Responsibilities of the Office of Administrative Law upon transmittal of a contested case from DFD
- 10:90-9.8 Administrative hearings and administrative reviews
- 10:90-9.9 Complaints and adjustment procedures
- 10:90-9.10 Time limitations on entitlement to fair hearings (county and municipal)
- 10:90-9.11 Access to case file and documents prior to hearing
- 10:90-9.12 Representation at hearings
- 10:90-9.13 Disposition of hearing request through withdrawal, abandonment or settlement
- 10:90-9.14 Adjournments
- 10:90-9.15 Hearings involving medical issues
- 10:90-9.16 Decision by Director, Division of Family Development
- 10:90-9.17 Emergency fair hearings

**SUBCHAPTER 10. REFUGEE RESETTLEMENT PROGRAM**

- 10:90-10.1 Purpose and funding
- 10:90-10.2 Identifying refugees
- 10:90-10.3 INS statuses for RRP
- 10:90-10.4 Resettlement
- 10:90-10.5 Termination of RRP: continued eligibility for assistance
- 10:90-10.6 Eligibility
- 10:90-10.7 Medical assistance and medical expense spend-down
- 10:90-10.8 Social services
- 10:90-10.9 Fair hearings
- 10:90-10.10 Case records

**SUBCHAPTER 11. INTENTIONAL PROGRAM VIOLATION**

- 10:90-11.1 Definition of intentional program violation (IPV)
- 10:90-11.2 Methods of determining IPV
- 10:90-11.3 Referral for administrative disqualification hearing
- 10:90-11.4 Waiver of right to administrative disqualification hearing
- 10:90-11.5 Administrative disqualification hearing procedures

TIP participant for non-compliance with the TIP Program. If the participant does not comply with the TIP program requirements, that individual shall be removed from TIP and placed in a different work activity. However, a sanction may result from the recipient's failure to comply with a non-TIP work activity in accordance with N.J.A.C. 10:90-4.13.

1. Participation in TIP Program services shall count towards a WFNJ recipients work activity only through the child's 12th month of age.

i. TIP services provided to the participant shall not extend beyond the child's 12th month of age, except in certain situations when the in-home service provider determines, on a case-by-case basis, that continued periodic in-home or in-community visitation is necessary.

2. In order for TIP Program participation to count towards the required hours of a work activity, the participant must attend the identified parenting skills program(s) that is determined to be necessary, based on the assessed needs of the family.

(g) The in-home visitation service provider shall administer a comprehensive assessment to each individual referred to the TIP Program to determine eligibility for participation.

1. The parenting skills assessment shall evaluate the individual's abilities, skills, and knowledge about healthy parenting. The assessment includes, but is not limited to, the following:

- i. A universal health screening;
- ii. A family stress checklist; and
- iii. A child welfare checklist.

2. Upon completion of the assessment, the individual and the in-home visitation service provider shall identify the services appropriate for that family. A menu of parenting services and other services that promote transition into the workplace shall be offered. For WFNJ recipients, such services shall be recorded on the IRP and may include, but are not limited to, the following:

- i. Assessment, nutrition and parent education programs;
- ii. Fatherhood services/workshops;
- iii. Interactive parent-child sessions;
- iv. Counseling and employment coaching sessions;
- v. Links to social, medical and employment services; and
- vi. Coordinated case planning among the CWA, OSCC, DYFS (when appropriate) and the in-home visitation service provider.

New Rule, R.2007 d.15, effective January 16, 2007.  
See: 38 N.J.R. 1156(a), 39 N.J.R. 207(a).

Amended by R.2009 d.202, effective June 15, 2009.  
See: 41 N.J.R. 364(a), 41 N.J.R. 2483(a).

In (f)2, deleted “, and attain satisfactory attendance in accordance with the provisions at N.J.A.C. 10:90-4.4” from the end.

**Case Notes**

Agency erred in sanctioning petitioner's benefits under Temporary Assistance to Needy Families after petitioner refused to participate in an Initiative for Parents (TIP) assessment; failure to participate in a TIP is not a sanctionable offense under N.J.A.C. 10:90-5.16(c) (remanding on other grounds). *C.W. v. Hunterdon County Bd. of Social Services*, OAL Dkt. No. HPW 4341-07, 2007 N.J. AGEN LEXIS 934, Remand Decision (October 5, 2007).

SUBCHAPTER 6. EMERGENCY ASSISTANCE

**10:90-6.1 Availability of emergency assistance**

(a) Emergency assistance shall be made available through the WFNJ program as a supportive service to meet the emergent needs of WFNJ recipients so that recipients shall not be prevented from complying with the work requirement due to disruptions caused by homelessness and related emergencies. Consequently, in an effort to minimize the incidence of homelessness among the WFNJ recipient population, the county/municipal agency shall be alert to the following circumstances which may reasonably be assumed to, if not addressed by the recipient and the agency, result in imminent or actual homelessness of the individual or family. Upon identification of any of the indicators listed below, the county/municipal agency shall review the case record to determine if the individual or family shall be referred to sources of help, either within or outside the agency, to plan to ensure the availability of uninterrupted housing.

1. When shelter costs equal or exceed total recorded income to the WFNJ assistance unit and the recipient is unable to document other sources of income, for example, loans from relatives, which enable the individual or family to meet monthly housing/living expenses;

2. When the county/municipal agency receives information to the effect that the individual or family's utility bills are in arrearages or utilities have been shut off;

3. When the individual's or family's income is reduced as a result of the reduction in WFNJ benefits or other available income, as long as such reduction is not due to any of the situations listed in (b)2 below;

4. When the individual's or family's rent which had previously been affordable is increased to an amount which makes the current housing costs appear to exceed available income; or

5. When the county/municipal agency receives information that the individual or family is involved in a tenant/landlord dispute or threatened foreclosure.

i. When a tenant/landlord dispute or threatened foreclosure exists, the agency shall assist the family in an attempt to prevent the loss of existing permanent housing, including referral to appropriate legal/service agencies.

(b) The EA as listed in (a) above can also be an appropriate form of assistance for WFNJ recipients who are unable to work.

(c) The county or municipal agency shall provide emergency assistance when there has been substantial loss of housing, food, clothing or household furnishings or utilities by fire, flood or other similar disaster, or an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing (see (c)1 below); and the county or municipal agency determines that the provision of shelter/ housing and/or food and/or emergency clothing, and/or minimum essential house furnishings or utilities is necessary for health and safety.

1. A lack of realistic capacity to engage in advance planning shall be said to exist in the following circumstances:

i. When the assistance unit can demonstrate that there was insufficient time to secure housing between receipt of notice of imminent loss of housing and actual eviction, foreclosure or loss of prior permanent housing; or

ii. When the assistance unit can demonstrate or signs a document, prepared by the county/municipal agency, certifying that available funds, including liquid resources at N.J.A.C. 10:90-3.20, were exhausted on items deemed appropriate, necessary or reasonable for decent living and such expenditures were made as the result of a significant occurrence or situation, not due to the meeting of the expenses of daily living. The specific event(s) or circumstance(s) upon which the granting of EA is based must be documented in the case record. In addition to expenditures for food, clothing and housing, other appropriate items include, but are not limited to, expenditures for a family emergency, such as, attending the funeral of a family member, or excessive unreimbursed medical expenses; or

iii. When the assistance unit demonstrates functional incapacity, for example, evidence of alcohol or drug abuse, that would prevent them from planning for or securing substitute housing. Individuals granted EA on this basis must agree as part of their service plan (see N.J.A.C. 10:90-6.6 concerning the development of a service plan) to engage in appropriate treatment for their addiction or other incapacitating condition. Such treatment for addiction or incapacitating condition shall also be included in the IRP in order to coordinate the requirements contained in the IRP.

2. As part of the determination of eligibility for emergency assistance, the agency shall evaluate all potential contributions of support to the household, including income received by ineligible household members, particularly when determining the amount of temporary rental assistance (see N.J.A.C. 10:90-6.3(a)5) to be provided, and the specific kinds of preventive services which may be required by the individual, couple without dependent children or family with dependent children.

3. Emergency assistance shall not be provided to a WFNJ applicant when an actual or imminent state of homelessness exists as a direct result of the voluntary cessation of employment by the adult household member without good cause (as provided at N.J.A.C. 10:90-4.10). EA shall not be provided for a period of two months to the entire household in which the recipient adult member voluntarily quits employment without good cause while receiving emergency assistance (see N.J.A.C. 10:90-4.11(b) concerning a voluntary quit). Nor shall EA be provided when an eligible household member has caused homelessness by being a disorderly tenant, causing wanton destruction of property or criminal activity which has directly led to eviction from housing.

i. An adult household member who incurs a sanction as a result of his or her failure to comply with the WFNJ program work requirements may apply for and receive emergency assistance for himself or herself and the eligible unit while in sanction status as long as the emergency is not in any manner attributable to nonpayment of rent or mortgage due to the resultant reduction of income to the household.

ii. An adult household member who incurs a sanction due to failure to comply with the WFNJ work requirements (not a voluntary quit) while receiving emergency assistance shall continue to receive such assistance (see N.J.A.C. 10:90-6.4 concerning time limits on receipt of emergency assistance), as may be required, for himself or herself and the eligible unit, unless all WFNJ cash assistance to the eligible unit has been terminated and the case closed as a result of failure to correct a sanction.

iii. In consultation with DYFS, EA shall be provided to a DYFS family, even if the family caused its own homelessness, provided that the family meets all other EA eligibility requirements.

(1) When EA is granted to a DYFS family that caused its own homelessness, the CWA and DYFS shall establish communication to ensure coordination of the DYFS plan, the EA service plan and the IRP.

(A) Every effort shall be made to avoid situations in which the development and execution of one plan infringes upon the development and execution of another, thereby placing the recipient in danger of being either sanctioned due to noncooperation or terminated from receipt of EA.

(B) Failure to comply with the DYFS service plan or the EA service plan may, in consultation with DYFS, result in the termination of EA.

4. Emergency assistance is likewise available in situations where there is an indication that an individual, or a parent and his or her children, have left their customary residence and the unit is in a state of homelessness due to imminent or demonstrated domestic violence which imperils the health and safety of the eligible unit.

i. Temporary living arrangements during the period between the occurrence of the incidence of domestic violence and the application for EA do not negate the existence of a state of homelessness.

5. In instances where the Division of Youth and Family Services, in consultation with the county agency, certifies that placement of the children is imminent due only to the fact that the family is being subjected to a serious health or life threatening situation because of the lack of adequate housing, EA shall be provided in accordance with the applicable provisions of this subchapter.

(d) The county agency may authorize EA to a family on behalf of a child in order to facilitate the return of a child from foster care placement when the appropriate District Officer Manager (DOM) of the Division of Youth and Family Services (DYFS) has approved a specific plan for the return of a child from foster care placement and all of the following conditions exist:

1. The county agency is in receipt of detailed written verification from DYFS that the return is barred solely by insufficient or inadequate shelter, food, clothing or house furnishings and there is no other way by which a deficiency can be remedied;

2. The appropriate DOM of DYFS has certified that the return of the child will be effected on a specific date subject to remedy of the deficiency;

3. The return from placement will be to any parent or relative specified in N.J.A.C. 10:90-2.7(a)3; and

4. Upon return of the child, WFNJ eligibility will exist.

(e) EA is also available in cases where only the child is eligible to receive WFNJ cash assistance (that is, the parent-person is non-needy).

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

In (b), added "or utilities", "prior", "or imminent homelessness", and "or the absence of a realistic capacity to plan in advance for substitute housing"; added new (b)1, 1i through 1iii; recodified former (b)1 and 2 as 2 and 3, added second sentence in 3; added 3i and 3ii; and recodified former 3 and 4 as 4 and 5.

Amended by R.2003 d.226, effective June 16, 2003.  
See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Added a new (b) and recodified former (b) as (c); added (d) and (e).  
Amended by R.2004 d.436, effective December 6, 2004.  
See: 36 N.J.R. 3339(a), 36 N.J.R. 5354(a).

In (c), substituted "see (c)1 below" for "see 1 below" following "advance for substitute housing" in the introductory paragraph, added 1iii in 3; in (d), recodified 2 to 5 as 1 to 4.

**Case Notes**

Initial Decision (2007 N.J. AGEN LEXIS 560) adopted with comment, which found that disabled petitioner did not violate N.J.A.C. 10:90-6.1(c), and lose eligibility for emergency assistance, by seeking to have her husband — a convicted sex offender — reside with her and their children; the HUD lease prohibited sex offenders from residing on the premises, but the conduct that resulted in the lease violation was perpetrated by the husband, not petitioner. *K.J. v. Atlantic County Dep't of Family & Community Development*, OAL Dkt. No. HPW 4417-07, 2007 N.J. AGEN LEXIS 935, Final Decision (August 14, 2007).

Initial Decision (2007 N.J. AGEN LEXIS 155) adopted, which found that in calculating Temporary Rental Assistance, N.J.A.C. 10:90-6.1(c)2 required the agency to consider all "potential contributions," including an applicant's prospect of continued Universal Service Fund subsidy and voluntary rent contribution from a friend; however, because the agency was provided with insufficient information to determine whether the individual volunteering to assist with rent had the wherewithal or the will to continue payments for the entire term of the lease, the agency was within its right to deny emergency assistance under N.J.A.C. 10:90-6.3(a)7i(2). *T.A. v. Burlington County Bd. of Social Services*, OAL Dkt. No. HPW 8995-06, Final Decision (April 16, 2007).

Where petitioner used available funds to pay for a leased automobile rather than to finance her mortgage and utilities, her circumstances did not meet the eligibility requirements for emergency assistance; although petitioner was afflicted with medical problems, these problems did not render her functionally incapacitated as defined in N.J.A.C. 10:90-6.1 such that she was prevented from planning for or securing substitute housing. *D.M. v. Ocean County Welfare Agency*, OAL Dkt. No. HPW 6602-05, 2005 N.J. AGEN LEXIS 1531, Final Decision (October 27, 2005).

**10:90-6.2 Persons eligible for emergency assistance**

Only WFNJ (WFNJ/TANF and WFNJ/GA) recipients, including those determined eligible for WFNJ benefits based on immediate need, and Supplemental Security Income (SSI) recipients, are eligible for emergency assistance.

**10:90-6.3 Kinds of emergency assistance authorized**

(a) The county or municipal agency is authorized to provide the following kinds of assistance to meet emergency situations when there is no other source of support available: payment for emergency shelter and emergency temporary housing; and allowances for permanent living arrangements including, but not limited to, allowances for retroactive rental, mortgage or utility payments, security deposits for rent and utilities and advance rent, eviction related costs that are authorized by DFD, reasonable costs of transportation required to search for housing, reasonable costs of temporary storage of personal possessions (see (a)4iv below), moving expenses, food, clothing, essential house furnishings including a one-time purchase of an air conditioning unit when medically necessary and, when applicable, the one-time payment of a Citizenship Application Fee and associated fingerprinting fee.

1. The county/municipal agency shall determine the most appropriate form of emergency housing which is required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided. Such emergency housing shall include placement in shelters; hotel/motel placement; transitional housing; or shelters for victims of domestic violence.

i. A pending eviction or foreclosure must be documented, either through a tenancy complaint filed by the landlord or an order from a court for eviction or foreclosure. Where such documentation does not exist, a letter from a landlord or other person serving in such capacity (relative/friend with whom the individual/family is residing), subject to agency verification, stating that eviction is imminent or has occurred shall be accepted by the agency.

2. When food is not available from any other source, an amount of \$4.50 per day per person shall be authorized and allowed until such time as other funds become available (for example, the next regular assistance payment, support payment, receipt of earnings or receipt of food stamps).

i. When it is necessary to provide temporary living arrangements for a recipient by utilizing emergency shelter/housing in a hotel, motel, or other facility in which cooking facilities are not available or are determined by the county or municipal agency to be inadequate, payments for restaurant meals, not to exceed \$7.50 per person per day, shall be authorized and allowed until such time as other funds become available.

3. When the agency determines that they are necessary, payments to enable a recipient to purchase minimum essential clothing for physical health and safety shall be granted, not to exceed the amounts stated below, unless authorized by DFD on a case-by-case basis.

- i. Adult—\$86.00;
- ii. Child, age 13 and over—\$86.00;
- iii. Child, age five through 12—\$48.00;
- iv. Child, birth through four—\$29.00.

4. Allowances for those items deemed urgent and essential to the physical health and safety of the recipient shall not exceed those amounts stated at (a)4i below. The recipient is obligated to use any other reasonable source for provision of these items, including, but not limited to, relatives and charitable organizations.

i. Items deemed urgent and essential to the physical health and well being of the individual or family, as appropriate, include, but are not limited to, the following: a refrigerator, a dinette set, kitchen equipment, lamps, beds, cribs, chests of drawers and bed and bath linens. A maximum allowance is provided for the purchase of such items. Payment for these items shall not be made on more than three occasions during the 60 cumulative month lifetime limit under WFNJ assistance.

No. of eligible persons:	1	2	3	4	5	6
Maximum allowance:	\$585	\$745	\$895	\$1,045	\$1,195	\$1,365
Add \$150 for each additional person						

ii. Replacement of house furnishings is not solely limited to replacement of items lost or destroyed in the incident that gave rise to the emergency. For example, a

recipient may be moving from a hotel/motel shelter or furnished apartment into an unfurnished living arrangement where there is no essential furniture. Likewise, when an item which is essential for the recipient's health and well-being, such as a refrigerator, wears out, EA funds may appropriately be used to replace it.

iii. Itemized invoices and vouchers shall be provided to the county or municipal agency for all purchases.

iv. Payment of storage costs shall be made at the most reasonable rates available and shall not exceed six months. If additional time is required due to individual circumstances, the agency shall request approval from DFD.

5. Payment shall be authorized for up to any three calendar months of retroactive rental or mortgage payments if it will prevent actual eviction or foreclosure, and/or six calendar months of retroactive utility payments if it will prevent the loss of utilities or make utilities operable.

i. Payment for more than three calendar months of retroactive rental or mortgage payments and/or six months of retroactive utility payments shall be made only under extraordinary circumstances (as found at N.J.A.C. 10:90-6.4(b)1) subject to authorization by DFD.

ii. Basic utilities are those that are necessary to make a dwelling habitable. At a minimum, basic utilities shall include electric, water, a fuel source for heating and cooking and, where applicable, sewerage and garbage disposal. In those instances where it is necessary to pay a utility deposit in order to reinstate utilities, such payment may be made under EA.

6. If appropriate for the individual/family situation, WFNJ recipients shall be notified that temporary rental assistance (TRA) may be provided, when the recipient is facing eviction, in order to maintain current permanent housing which had previously been affordable but which is no longer affordable for reasons such as, but not limited to, loss of employment, temporary unemployment or under-employment and it is anticipated that such housing will again become affordable; or when it is determined that maintaining the unit in the current housing arrangement is both the least costly alternative and serves to preserve the family structure while the search for affordable housing continues. TRA is the preferred form of emergency housing assistance in all situations, as appropriate.

7. If appropriate for the individual/family situation, WFNJ recipients shall be notified that TRA may also be provided to recipients who have experienced an actual state of homelessness and are able to locate a housing arrangement or can be accommodated in a housing arrangement in lieu of temporary shelter when the county/municipal agency has determined that a TRA is the appropriate remedy to address the emergency. The agency may authorize

TRA of up to \$700.00 monthly for WNFJ/TANF and \$400.00 monthly for WFNJ/GA to supplement an eligible unit's WFNJ cash assistance and/or income from other sources. Amounts in excess of \$700.00 and \$400.00, as appropriate, require prior approval and authorization of subsidy level by DFD.

i. TRA shall be provided when:

(1) The total cost of housing does not exceed the current Fair Market Rent (as established by the United States Department of Housing and Urban Development) for the municipality or county in which the recipient resides;

(2) The housing will become affordable during the period of the TRA when income from current or future employment is based on minimum wage times 35 hours per week; and

(3) The recipient's service plan and individual responsibility plan states the conditions under which a TRA has been granted and reflect the recipient's understanding of such.

ii. TRA shall not be discontinued when an adult recipient of WFNJ benefits has been sanctioned for noncompliance with the work requirement unless all WFNJ cash assistance to the eligible unit has been terminated and the case closed as a result of a failure to correct a sanction, provided this period of time in sanctions is prior to the 12 month lifetime limit placed on EA.

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), added language regarding a Citizenship Application fee; in (a)1, added language regarding emergency housing; rewrote (a)5; in (a)5i, added N.J.A.C. reference; in (a)7, added last half of first sentence and second sentence; rewrote (a)7i and added new 7i1, 2, and 3; rewrote 7ii; and deleted 7iii.

Amended by R.2003 d.226, effective June 16, 2003.  
See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a), rewrote the introductory paragraph, inserted " , unless authorized by DFD on a case-by-case basis" in 3, rewrote 6 and the introductory paragraph of 7.

#### Case Notes

Initial Decision (2007 N.J. AGEN LEXIS 155) adopted, which found that in calculating Temporary Rental Assistance, N.J.A.C. 10:90-6.1(c)2 required the agency to consider all "potential contributions," including an applicant's prospect of continued Universal Service Fund subsidy and voluntary rent contribution from a friend; however, because the agency was provided with insufficient information to determine whether the individual volunteering to assist with rent had the wherewithal or the will to continue payments for the entire term of the lease, the agency was within its right to deny emergency assistance under N.J.A.C. 10:90-6.3(a)7i(2). T.A. v. Burlington County Bd. of Social Services, OAL Dkt. No. HPW 8995-06, Final Decision (April 16, 2007).

Initial Decision (2007 N.J. AGEN LEXIS 629) adopted, which concluded that although N.J.A.C. 10:90-6.3(a)1 and N.J.A.C. 10:90-6.6(a)1i(1) allowed an applicant for emergency housing to be placed outside his municipality of customary residence, they did not provide the agency with the authority to move him beyond the county's geographic boundaries. Public policy favored maintaining a homeless person either in or as close to his municipality of residence as possible. G.M. v.

Cumberland County Bd. of Social Services, OAL Dkt. No. HPW 395-07, 2007 N.J. AGEN LEXIS 967, Final Decision (February 5, 2007).

#### 10:90-6.4 Time limitations

(a) Any emergency assistance granted shall be limited to 12 cumulative months during the lifetime of the case, irrespective of the county or municipality of residence. A month of emergency assistance shall be any month for which a payment of emergency assistance of any kind is issued on behalf of a WFNJ TANF/GA, or SSI recipient, unless otherwise excluded.

1. Payment of retroactive rent or mortgage shall be counted month for month toward the lifetime limit. Payment of retroactive utilities shall be counted as one month for each two full months paid, or parts thereof.

2. The provision of allowances for food, clothing or single replacement items of furniture and the one-time payment of a Citizenship Application Fee are specifically excluded from the calculation of the maximum lifetime EA limit.

(b) Additional emergency assistance shall be granted beyond the 12-month maximum when, in the judgment of the county or municipal agency, the WFNJ or SSI recipient has taken all reasonable steps to resolve the emergent situation but the emergency nonetheless continues or a new emergency occurs, which causes extreme hardship to the family.

1. The following listing is not intended to be exhaustive, nor should it be interpreted as preventing county or municipal agencies from considering other situations not specifically mentioned in the list. Nevertheless, the agency shall confer with DFD if individual and/or family circumstances which are offered as a reason for extending EA represent a departure from the categories provided herein. An extension of emergency assistance based on extreme hardship shall be provided when:

i. There is the danger of a loss of employment or a bona fide offer of employment by a recipient adult;

ii. There is imminent danger of the immediate breakup of the family unit, with children needing to be placed in foster care;

iii. The recipient adult or child is in imminent physical danger or at risk of abuse and neglect;

iv. There is danger of serious harm to persons who are clinically/medically diagnosed as mentally and/or physically incapable of caring for themselves, thereby possibly leading to inpatient hospital care or institutionalization; or

v. The request for additional EA arises directly out of a substantial loss of shelter, food, clothing, household furnishings and/or essential utilities incurred as a result of a natural disaster.

2. Recipients who are in applicant status for Supplemental Security Income (SSI), or who have been denied but have appealed the denial, shall receive a six-month extension of emergency assistance. This status needs to be supported by medical documentation.

(c) No more than 10 percent of single adults and couples without dependent children (WFNJ/GA) who are receiving temporary rental assistance may receive one six-month extension of emergency assistance if the agency determines that a case of extreme hardship exists, pursuant to (b)1 above.

1. The county or municipal agency shall review each such case monthly to determine if the extreme hardship continues to exist.

(d) The county agency shall extend emergency assistance beyond the 12-month limit, for up to six additional months, to an assistance unit with dependent children (WFNJ/TANF) when the agency determines that a case of extreme hardship exists, pursuant to (b)1 above. Agencies are to make a decision on extension applications within 15 days after all extension applications are received for that month and inform the recipient of the agency's decision.

1. Each such case shall be reviewed monthly by the county agency to determine if the extreme hardship continues to exist.

2. If, at the end of the first six-month period, extreme hardship continues to exist in an assistance unit with dependent children, the county agency shall provide an additional six months of emergency assistance to no more than 10 percent of those assistance units with dependent children who are currently in receipt of temporary rental assistance.

(e) County or municipal agencies shall extend emergency assistance beyond the 12-month limit to recipients who are diagnosed as HIV positive with symptoms or who have active AIDS, or are terminally ill and are unable to perform activities of daily living, up to a maximum of 12 additional months.

(f) Agencies are to carefully assess the impact of the termination of EA on victims of family violence, rape or incest. If termination would make it more difficult for a recipient to escape family violence or would unfairly penalize the recipient who is or has been victimized by any such violence, or who is at risk of further family violence, then the 12-month limit shall be deferred for up to six months. Authorization for continuing or granting EA because of family violence beyond this limit may be authorized by DFD on a case-by-case basis.

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

Added new (a)1; recodified former (a)1 as (a)2; in (b), substituted "Additional emergency assistance" for "Emergency housing" and added language regarding new emergencies; in (b)1, added last sentence; in (b)1i through iv, added language detailing when an extension of emergency assistance will be given; added new v; and recodified former (d)3 as (e).

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

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

In (b), substituted "shall" for "may" preceding "be granted" in the introductory paragraph and added 2; in (d), added the second sentence in the introductory paragraph; added (f) and (g).

Amended by R.2008 d.313, effective October 20, 2008.

See: 40 N.J.R. 2191(a), 40 N.J.R. 6205(a).

Deleted (g).

### 10:90-6.5 Recipient contribution

(a) Recipients of emergency assistance, except those individuals with households whose whole source of income is SSI, shall contribute from their income towards payment of all emergency shelter arrangements, including all forms of alternative housing arrangements, such as transitional housing programs, domestic violence shelters, emergency shelters, placement in hotels or motels and temporary rental assistance.

1. If cooking facilities are not available in temporary housing, or are determined inadequate by the agency, or meals are not provided, the recipient shall contribute 50 percent towards the cost of temporary housing.

2. If temporary housing contains cooking facilities, or meals are provided, the recipient shall contribute 65 percent towards housing costs. TRA recipients shall contribute 65 percent towards housing costs.

3. The EA recipient contribution shall be assessed by the county/municipal agency on the basis of all income available to the EA household. The maximum recipient contribution shall be the appropriate percentage of all household income or the cash assistance payment, whichever is less. Once the county/municipal agency has deducted the recipient contribution from the cash assistance payment, the county/municipal agency shall be responsible for forwarding the full shelter payment to the vendor.

4. The county or municipal agency shall begin deducting the monthly contribution for recipients temporarily housed in hotels/motels, emergency shelters or transitional housing after the second full month following the month in which the family was initially placed in the temporary housing.

5. When a WFNJ recipient is housed in a shelter arrangement that requires an out-of-pocket payment, then the recipient's EA contribution percentage (either 50 or 65 percent, as appropriate) shall be adjusted to take into consideration the out-of-pocket payment. The adjusted percentage will be the difference between the percent charged for the out-of-pocket payment and the percentage designated for the EA contribution.

i. Example (65 percent EA contribution required when shelter provides meals): In this situation the WFNJ recipient is obligated to pay an EA contribution of 65 percent of available income toward the cost of temporary housing. The shelter requires an out-of-pocket shelter payment of 30 percent. The agency reduces the 65 percent by the 30 percent being charged for the out-of-

pocket payment and uses the resulting 35 percent to calculate the recipient's EA contribution.

ii. Example (50 percent EA contribution required when meals are not provided): In this situation the WFNJ recipient is obligated to pay an EA contribution of 50 percent of available income toward the cost of temporary housing. The shelter requires an out-of-pocket shelter payment of 30 percent. The agency reduces the EA contribution 50 percent by the 30 percent for the out-of-pocket payment and uses the resulting 20 percent to calculate the recipient's EA contribution.

(b) When replacement housing is required to resolve the emergency in a child only case, the agency shall determine the amount of its participation in the payment of the costs of such housing based on the need to house the child(ren) adequately. Therefore, EA shall be provided in an amount sufficient to adequately house the assistance unit and the non-needy parent-person(s). When the eligible child and the non-needy parent-person reside with or plan to reside with other individuals who are not WFNJ recipients, the agency shall not include anyone other than the assistance unit and the non-needy parent-person(s) when determining the amount of the EA payment for housing arrangements. All other individuals who benefit from the living arrangement must contribute toward defraying the costs of the emergency housing.

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

Rewrote (a); in (a)1 and 2, added language regarding meals and housing; inserted new 3; rewrote 4; and added 5.

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

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

In (a), inserted " , except those individuals with households whose sole source of income is SSI," preceding "shall contribute" in the introductory paragraph, and rewrote 5; added (b).

**10:90-6.6 Recipient/agency responsibilities**

(a) The county/municipal agency shares responsibility with the individual/family in receipt of emergency assistance to resolve the emergency situation and to assist the individual/family to secure a suitable permanent housing arrangement. Receipt of emergency assistance is contingent upon the recipient's taking reasonable steps toward resolving the emergent situation. Reasonable steps shall include the recipient's signature on a written notice of recipient responsibilities while receiving temporary housing/shelter; participation in formulating, complying with and carrying out a plan for service; fulfilling the number of housing searches mutually agreed upon; and following agency recommendations related to resolving the emergent situation. Failure to substantially comply with the service plan will result in termination of EA. In no case shall the EA granted exceed the limits set forth in N.J.A.C. 10:90-6.4 concerning time limits and extensions in situations of extreme hardship.

1. The service plan shall be developed between the county or municipal agency and the recipient of emergency assistance within 10 days of the EA authorization date in

order to provide a plan of action aimed at working toward securing permanent shelter and also, where directly related to securing such shelter, at resolving the circumstances that contributed to the emergency situation. When appropriate, development of the service plan shall be coordinated with the development of the individual responsibility plan (IRP) discussed in N.J.A.C. 10:90-4.8. For individuals requesting EA for reason of family violence or the risk of family violence, the EA service plan must be coordinated with any services offered through the designated victim service provider agency and included in the family violence safety and service plan in accordance with N.J.A.C. 10:90-20.1(b)1ii. Every effort shall be made to avoid situations in which the development and execution of one plan infringes upon the development and execution of the other, thereby placing the recipient in danger of being either sanctioned due to noncooperation or terminated from receipt of EA. The service plan shall include, as appropriate, but is not limited to:

i. Selection of a housing arrangement which takes into consideration the recipient's circumstances, such as mental or physical problems.

(1) Every effort will be made to locate suitable housing in the community of prior permanent residence. If, however, shelter/housing is not available at the most reasonable rate, taking into consideration individual circumstances and services provided, within the municipality of customary residence, the recipient, as a condition of eligibility, shall be obliged to accept shelter/housing outside the municipality of customary residence:

ii. Provision of the following specified services:

- (1) Information;
- (2) Referral;
- (3) Assistance in securing shelter, including transportation;
- (4) Assistance in arranging for child care; and
- (5) Referral for legal services;

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.

Amended by R.2003 d.226, effective June 16, 2003.  
See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a)1, added the third sentence in the introductory paragraph.  
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)1, inserted “, as appropriate” before “, but is not limited to:” in the fifth sentence.

#### Case Notes

Initial Decision (2007 N.J. AGEN LEXIS 629) adopted, which concluded that although N.J.A.C. 10:90-6.3(a)1 and N.J.A.C. 10:90-

6.6(a)1i(1) allowed an applicant for emergency housing to be placed outside his municipality of customary residence, they did not provide the agency with the authority to move him beyond the county's geographic boundaries. Public policy favored maintaining a homeless person either in or as close to his municipality of residence as possible. G.M. v. Cumberland County Bd. of Social Services, OAL Dkt. No. HPW 395-07, 2007 N.J. AGEN LEXIS 967, Final Decision (February 5, 2007).

Initial Decision (2007 N.J. AGEN LEXIS 45) adopted with comment, which found that the agency improperly terminated petitioner's temporary rental assistance after petitioner failed to provide weekly proof that he was searching for housing; petitioner's Individual Responsibility Plan made the housing search voluntary and specifically informed him that he would not be penalized if he failed to do so and, pursuant to N.J.A.C. 10:90-6.6(a)1, superseded the conflicting mandatory search requirement of the Emergency Assistance Service Plan, particularly since petitioner's mental condition rendered him incapable of fulfilling a housing search requirement. J.R. v. Union County Div. of Social Services, OAL Dkt. No. HPW 01364-07, 2007 N.J. AGEN LEXIS 172, Final Decision (January 24, 2007).

**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 of 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".  
 Administrative correction.  
 See: 40 N.J.R. 6970(a).

**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

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

(e) The county or municipal agency shall be responsible for, but not limited to, the following LTSP activities:

1. The county or municipal agency shall provide both Form WFNJ/EA-11, Application for the WFNJ Emergency Assistance Pilot Project for the Long Term Support Program, as well as Form WFNJ-76, Application for an Extension of Emergency Assistance, to all those individuals enumerated in (c) above when they are served with Form WFNJ-15 (EA), Notification Form. Recipients shall make application in accordance with the provisions contained in this section.

i. EA recipients shall have their application for LTSP assistance processed before applying for EA under 10-percent capped hardship extension (N.J.A.C. 10:90-6.4(c) or (d)2). The county or municipal agency shall first evaluate the application for participation in the LTSP. Only if LTSP eligibility is not approved shall the county or municipal 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;

2. Intake for the LTSP shall continue through September 30, 2005. Between October 1, 2002 and October 1, 2005, when a county or municipal agency sends out notices of termination of non-LTSP EA to recipients, the county or municipal agency shall provide both the application developed for the LTSP and the regular application for an extension of EA. The county or municipal agency shall first evaluate LTSP eligibility. If LTSP eligibility does not exist, eligibility for the 10-percent capped hardship extension shall be determined. Recipients shall continue to receive EA benefits until LTSP eligibility has been determined;

3. The county or municipal agency shall not deny or terminate LTSP benefits due to either the LTSP's failure to develop or monitor the LTSP service plan;

4. Applicants for an EA extension under the LTSP shall, as a condition of eligibility, be required to be in full compliance with their LTSP service plan and all other WFNJ requirements, including their Individual Responsibility Plans, as appropriate;

5. The county or municipal agency shall determine eligibility by reviewing the LTSP 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 Support Program, for each eligible recipient.

i. All supporting documentation, including the county or municipal agency's certification of recipient eligibility for LTSP participation, shall be maintained in the recipient's case record.

6. The county or municipal agency shall notify recipients of their eligibility status for an EA extension under the LTSP through the use of Form WFNJ/EA-14, Notification Form for an Extension of Emergency Assistance in the Long Term Support Program;

7. The county or municipal agency shall take all necessary steps to move LTSP recipients who are residing in a hotel, motel, or shelter housing arrangement to either a temporary rental assistance (TRA) housing arrangement or a more permanent housing arrangement as soon as possible, but no later than 60 days from the date of granting an extension under the LTSP. 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;

8. The county or municipal agency shall complete and submit 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 Support Program, shall be used for this purpose;

9. If appropriate, the county or municipal agency shall refer the recipient to Legal Services of New Jersey for the purpose of completing an SSI application, or appealing a denial of an SSI application; and

10. The county or municipal agency is not required to develop an EA service plan when the individual is receiving EA benefits under the LTSP. If not acting as the LTSP service provider, the county or municipal agency shall provide the LTSP agency with a copy of the most recent EA service plan developed for the recipient.

(f) The LTSP shall be responsible for the following activities:

1. A LTSP service plan shall be developed, which shall replace the EA service plan otherwise required under N.J.A.C. 10:90-6.6, within 20 working days of the individual's admission to the LTSP. The LTSP service plan shall address the individual's functional level, resources, skills and supports. Documentation in the service plan shall reflect the effects of referrals by the LTSP to linked services, as appropriate. The LTSP service plan shall also reflect all pertinent information obtained from the EA service plan developed by the county or municipal agency for the recipient; and

2. The LTSP shall evaluate LTSP-eligible individuals to determine which services are required by the recipient, and reflect this in the LTSP service plan. The services may include the following:

i. Referrals to appropriate medical agencies and programs to meet the individual's needs, such as substance abuse and medical services;

ii. Coordinating and/or finding appropriate housing for the individual. The LTSP shall conduct an assessment of the recipient's domicile to assure that it is a safe environment;

iii. Financial management, including budget management, when arranging for cash assistance programs. The LTSP shall evaluate whether it is appropriate for the LTSP to serve as representative payee for the individual's cash assistance benefits;

iv. Transportation arrangements;

v. Assuring that the recipient has been referred to apply for SSI, RSDI, or other cash benefits to which the recipient might be entitled;

vi. Mental health screening and services; or

vii. Other emergency services, on an individual as-needed basis.

(g) Those EA recipient and agency responsibilities delineated at N.J.A.C. 10:90-6.6, other than the requirement to develop an EA service plan, are required in the LTSP pilot project.

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

(i) Recipients who are not granted an EA extension under the LTSP pilot project, and who request a hearing concerning their 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.

(j) An LTSP recipient shall be discharged from the LTSP for the following reasons, after allowances for timely advance notice as specified at N.J.A.C. 10:90-9.1(b) and (c):

1. The individual no longer needs the services provided by the LTSP. The LTSP shall document all attempts to link the individual to all needed services before the individual's LTSP participation is terminated;

2. The individual refuses to participate in the LTSP;

3. The individual fails to comply with either his or her LTSP service plan, or other WFNJ requirements; or

4. The individual becomes ineligible for WFNJ/TANF/GA or SSI EA assistance.

New Rule, R.2000 d.369, effective September 18, 2000 (operative October 1, 2000).

See: 32 N.J.R. 1695(a), 32 N.J.R. 3433(a).

Recodified from N.J.A.C. 10:90-6.11 and amended by R.2003 d.226, effective June 16, 2003.

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

In (c), deleted "; or who are otherwise eligible for EA, but will lose eligibility for the EA under the LTSP pilot project after September 30, 2000 due to the LTSP time limits." in the introductory paragraph; substituted "2002" for "2000" and "2005" for "2003" throughout. Former N.J.A.C. 10:90-6.10, Commissioner's pilot project for emergency assistance extensions for long term chronically impaired (LTSP) individuals, repealed.

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

See: 36 N.J.R. 1695(a), 36 N.J.R. 3435(a).

In (d), substituted "WFNJ-MED-1, Examination Report" for "WFNJ-5 (DRS1), Examining Physician's Report, or WFNJ-5S, Confidential Medical-Psychiatric Examining Physician's Report" in 1, and substituted "WFNJ-MED-1" for "WFNJ-5 (DRS1) or WFNJ-5S" in 2 and 8.

## 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. Applicants shall be given the opportunity to review their case file and to obtain copies of materials contained in their file(s). See N.J.A.C. 10:90-9.11 concerning access to the case file and related documents prior to a fair hearing.

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

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

In (c), added the fourth sentence.