

county expended for that service or function during the last full budget year, or portion thereof, for which the service or function so transferred was funded from appropriations in the county budget. If the Commissioner determines that any county welfare agency has failed to effectively administer or to substantially follow State and Federal law in its administration of those programs for which the Department of Human Services has responsibility, the Commissioner shall have the authority to take the following actions:

1. Make the administrative and programmatic changes necessary to ensure compliance with State and Federal law and regulation;
2. Bill the county for the reasonable expenses incurred by the Department in ensuring compliance;
3. Hire any consultant or undertake any studies of the agency's operations deemed appropriate;
4. Direct expenditures of the CWA in a reasonable and prudent manner to effectuate the purposes of any public assistance program, including reallocating funds within the CWA budget and determine additional amounts of revenue needed to ensure the efficient and effective administration of such programs within the agency's budget;
5. Operate the CWA; and
6. Do all acts necessary or appropriate to ensure that the needs of eligible public assistance recipients are met pursuant to State and Federal law.

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

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

1. When a request is received by BARA, it shall immediately be registered as of that date.
2. All assumption hearing requests shall be transmitted to the Office of Administrative Law (OAL) for a hearing before an Administrative Law Judge (ALJ).
3. The OAL shall schedule the State assumption hearing and send any necessary notices to all appropriate parties concerned. The hearing shall be in accordance with the provisions of N.J.A.C. 1:1.

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

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

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

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

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

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

1. Housing costs are calculated using the most current available values for that Metropolitan Statistical Area with the highest United States Department of Housing and Urban Development, 50th percentile, rental amounts for New Jersey.

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

3. Transportation costs are calculated using the New Jersey Transit 2 zone bus pass amount and adding an allowance for each additional family member to cover the cost of children utilizing public transportation services.

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

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

#### Standard of Need

<u>Number in Family</u>	<u>Monthly Standard</u>
1	\$1,872
2	\$2,147
3	\$2,729
4	\$3,571
5	\$3,846
6	\$4,522
7	\$4,797
8	\$5,072
more than 8	add \$275 each person

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

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

Administrative change.

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

Administrative change.

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

Administrative change.

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

Administrative change.

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

Amended by R.2008 d.252, effective August 18, 2008.

See: 40 N.J.R. 1734(a), 40 N.J.R. 4817(a).

Rewrote (c)1; in (c)2, substituted "USDA Moderate" for "2001 USDA Low"; and in (c)3, substituted "New Jersey" for "NJ" and "allowance" for "additional \$27.00", and deleted "of \$54.00 per month" following "amount".

Administrative change.

See: 40 N.J.R. 6969(a).

Administrative change.

See: 42 N.J.R. 486(a).

Administrative change.

See: 43 N.J.R. 1204(a).

## SUBCHAPTER 2. EXCLUSION FROM CONTRACT PARTICIPATION IN THE NEW JERSEY DEPARTMENT OF HUMAN SERVICES, DIVISION OF FAMILY DEVELOPMENT PROGRAMS, PILOT PROJECTS, OR INITIATIVES (SUSPENSION, DEBARMENT, AND DISQUALIFICATION)

### 10:84-2.1 Program participation

(a) The provisions of this subchapter were adopted and issued pursuant to Executive Order No. 34 (1976), and the authority vested in the Division of Family Development (DFD) to implement the programs by rules and regulations, as set forth in N.J.S.A. 30:1-9 and 30:4B-1 and 2.

(b) Suspension, debarment, and disqualification are measures that shall be invoked by DFD to exclude or render ineligible certain persons or entities from participation in contracts and subcontracts involving DFD programs, pilot projects, and initiatives, or contracts performed with the assistance of, and subject to the approval of, DFD on the basis of a lack of responsibility. These measures shall be used for the purpose of protecting the interests of DFD and not as punitive measures. To assure participants in DFD programs the benefits to be derived from full and free competition between and among such persons, and to maximize the opportunity for honest competition and performance among providers, these measures shall not be invoked for any period of time longer than deemed necessary to protect the interests of DFD.

1. Any person including, but not limited to, owners, officers, administrators, assistant administrators, employees, accountants, attorneys, and management services, who have been suspended, debarred, or disqualified from participation in DFD programs or initiatives for any reason shall not be involved in any activity relating to DFD programs or initiatives during the period of suspension, debarment, or disqualification.

2. Providers reimbursed on a cost-related basis may not claim as allowable costs any amounts paid or credited to such individuals, and such amounts shall not be reimbursed by DFD.

3. Providers may not submit claims, invoices, or bills, electronic or otherwise, and shall not be reimbursed for any goods supplied or services rendered by such individuals. This requirement shall apply only for the period during which such individuals are suspended, debarred, or disqualified from the DFD contracting process.

4. Claims, invoices, or bills, electronic or otherwise, shall not be submitted and shall not be reimbursable for any item or service furnished, at the direction of a person or other entity, during the period when such person or other entity is excluded from participation in DFD programs or initiatives, and when the person or other entity furnishing such item or service has received written notice from the Division that the person or other entity has been excluded from participation in DFD programs or initiatives.

(c) The following words and terms, as used in this section, shall have the following meanings:

"Affiliates" means persons having an overt or covert relationship, such that any one of them directly or indirectly controls or has the power to control another.

"Debarment" means an exclusion from State contracting, on the basis of a lack of responsibility evidenced by an offense, failure, or inadequacy of performance, for a reasonable period of time commensurate with the seriousness of the offense, failure, or inadequacy of performance.

"Disqualification" means a debarment or a suspension that denies or revokes a qualification to bid or otherwise engage in State contracting that has been granted or for which application has been made pursuant to laws, rules, or regulations.

"Exclusion" means the suspension, debarment, or disqualification of any individual or entity from participation in any capacity in any program administered in whole or in part by DFD.

"Person" means any natural person, company, firm, association, corporation, or other entity.

"State" means the State of New Jersey or any of the departments or agencies in the executive branch of government with the lawful authority to engage in contracting.

"State contracting" means any arrangement giving rise to an obligation to supply anything to or perform any service for the State, other than by virtue of State employment, or to supply anything to or perform any service for a private person when the State provides substantial financial assistance and retains the right to approve or disapprove the nature or quality of the goods or service or the persons who may supply or perform the same.