

2. The exception to this procedure concerns the State registered family day care providers participating in the special Family Development Program (FDP) or REACH initiative which has designated 600 child care provider slots Statewide as a FDP or REACH activity for participants of those programs. The self-employment income earned by those clients participating in that initiative is budgeted according to procedures set forth at N.J.A.C. 10:86-5.8(a) and 10:81-14.21(b) in most instances. Those special budgeting procedures at N.J.A.C. 10:86-5.8(a) and 10:81-14.21(b) are limited to the 600 cases allocated among the counties and the allocation is based on the county's proportionate share of the AFDC population. However, if a child(ren) is born to the participant and the provisions of N.J.A.C. 10:82-1.11 are applicable, then the participant shall have the option of having income budgeted in accordance with N.J.A.C. 10:86-5.8(a) and 10:81-14.21(b) or may have the earned income disregards applied as set forth at N.J.A.C. 10:82-2.8 and 4.4 to include applications of the State earned income disregard.

Amended by R.1989 d.497, effective September 18, 1989.
 See: 21 N.J.R. 1811(a), 21 N.J.R. 3014(a).
 Family day care income references updated.
 Amended by R.1991 d.7, effective January 7, 1991.
 See: 22 N.J.R. 2445(a), 23 N.J.R. 93(a).
 Added new (a)2.
 Amended by R.1992 d.367, effective September 21, 1992 (operative October 1, 1992).
 See: 24 N.J.R. 2155(a), 24 N.J.R. 3352(a).
 Text added to include Family Development Program; reference to 1.11 added.

10:82-4.9 Division of Youth and Family Services

(a) Division of Youth and Family Services' monthly payments for the placement of children in foster care and the clothing allowance shall be considered as equal to the cost of providing such care and maintenance. However, when extra payment is received for special services, such additional amount shall be considered as earned income from self-employment (see N.J.A.C. 10:82-4.3).

(b) For purposes of determining the public assistance allowance, such foster care children are not considered members of the eligible unit.

(c) The basic monthly rates for foster care as established by the Division of Youth and Family Services are as follows:

Age	New Base Rate/Child
0-5	\$256.00 per month
6-9	\$272.00 per month
10-12	\$301.00 per month
13 and over	\$320.00 per month

Amended by R.1980 d.83, effective May 1, 1980.
 See: 12 N.J.R. 29(b), 12 N.J.R. 127(c).
 (c)1-4 was \$110, \$116, \$125 and \$135 respectively.
 Amended by R.1980 d.332, effective August 1, 1980.
 See: 12 N.J.R. 320(c), 12 N.J.R. 484(b).
 (c)2 was six through 10 years.
 (c)3 was 11 through 14 years.
 Amended by R.1982 d.208, effective July 6, 1982.

See: 14 N.J.R. 374(b), 14 N.J.R. 709(c).
 (c)1. changed monthly foster care rate from \$116.00 to \$160.00 for six years and under.
 2. \$122.00 to \$171.00 for six through nine years.
 3. \$132.00 to \$189.00 for 10 through 14 years.
 4. \$144.00 to \$200.00 for 15 years and over.
 Amended by R.1984 d.528, effective November 19, 1984.
 See: 16 N.J.R. 2336(b), 16 N.J.R. 3206(b).
 (c)1. changed monthly foster care rate from \$160.00 to \$176.00.
 2. \$171.00 to \$188.00.
 3. \$189.00 to \$208.00.
 4. \$200.00 to \$220.00.
 Amended by R.1992 d.106, effective March 2, 1992.
 See: 23 N.J.R. 3420(a), 24 N.J.R. 852(a).
 Revised table in subsection (c).
 Amended by R.1992 d.340, effective September 8, 1992.
 See: 24 N.J.R. 2160(a), 24 N.J.R. 3092(a).
 In (c): increased base rate amounts.

Case Notes

Determination of foster child status required recalculation of AFDC grant. Burlington Cty. Welfare Agency v. L.N., 4 N.J.A.R. 159 (1982).

10:82-4.10 Income which is not earned

Net income from noneligible household members (except as stated in N.J.A.C. 10:82-4.3(c)), returns from capital investment such as dividends and interest, benefits and pensions, annuities, contributions from relatives, compensation payments, and so forth, shall be considered as unearned income. All such income shall be recognized in establishing eligibility and in computing the assistance grant.

Amended by R.1984 d.191, effective May 21, 1984.
 See: 15 N.J.R. 2019(a), 16 N.J.R. 1272(a).
 Reference to rental of apartments or housekeeping units deleted.

Case Notes

AFDC applicant entitled to recalculation of eligibility utilizing federal regulations where state regulations under which eligibility was first calculated were held invalid in an unpublished Appellate Division decision. Eherenstorfer v. Div. of Public Welfare, 196 N.J.Super. 405, 483 A.2d 212 (App.Div.1984).

10:82-4.11 Income from roomer-boarders and table boarders

Roomer-boarders or table boarders are non-eligible household members. See N.J.A.C. 10:82-2.3 regarding payment received from such persons.

Amended by R.1985 d.385, effective August 5, 1985.
 See: 17 N.J.R. 1045(a), 17 N.J.R. 1895(b).
 Deleted "Roomers" from text.

Case Notes

Roomer-boarders are non-eligible household members; determination of foster child status versus roomer-boarder status for AFDC grant calculation. Burlington Cty. Welfare Agency v. L.N., 4 N.J.A.R. 159 (1982).

10:82-4.12 Income from apartments, rooms or housekeeping units

(a) When the eligible unit is receiving payment from rental of apartments, rooms or housekeeping units, the net

income shall be determined by deducting the costs of operation and maintenance from the gross rental income received.

1. The costs of operation and maintenance are the greater of:

- i. The actual costs of operation and maintenance, if known or subject to determination, or such reasonable allocation of actual or determined costs as may be indicated according to the space being rented out; or
- ii. The number of rooms, excluding bathrooms, being rented out multiplied by the applicable monthly cost figure as follows:

- (1) With no utilities: \$23.00;
- (2) Including heat only: \$29.00;
- (3) Including all utilities: \$34.00.

2. To determine the total costs, multiply the monthly cost figure by the number of rooms in each apartment or housekeeping unit, excluding any room used solely as a bathroom.

3. Deduct the total cost from the amount of rental income received by the eligible unit. The difference is the net income, to be entered on Form PA-3A or 105.

- i. Rental income shall be treated as earned income except in those situations where rental properties are in the hands of rental agencies; in such cases the income shall be considered as unearned.

(b) When the functions of property management including the collection of rents are performed by a member(s) of the eligible unit, the net is earned income, otherwise it is unearned income.

Amended by R.1984 d.191, effective May 21, 1984.
See: 15 N.J.R. 2019(a), 16 N.J.R. 1272(a).

Reference to income from rooms added; (a)3i added.

Amended by R.1985 d.385, effective August 5, 1985.
See: 17 N.J.R. 1045(a), 17 N.J.R. 1895(b).

(a)1 deleted; new (a)1 inserted.

Case Notes

AFDC applicant entitled to recalculation of eligibility utilizing federal regulations where state regulations under which eligibility was first calculated were held invalid in an unpublished Appellate Division decision. *Eherenstorfer v. Div. of Public Welfare*, 196 N.J.Super. 405, 483 A.2d 212 (App.Div.1984).

10:82-4.13 Contributions of support

(a) Obligatory contributions to the support of one or more members of the eligible unit shall be recognized as unearned income, regardless of whether such contributions are in cash or in kind. (See N.J.A.C. 10:82-3.12, Acceptable forms of support.)

(b) When shelter is being provided by a legally responsible relative (LRR) who has been determined by the CWA IV-A unit to have a capacity to provide support, the actual cash value shall, whenever possible, be determined and recognized as unearned income to the eligible unit. Where the actual value cannot be established, and is not stipulated by a court order to be made in an identifiable cash amount to a third party, the monthly monetary values shall be recognized according to Schedule VI and shall not exceed the LRR's evaluated capacity.

(c) Nonobligatory contributions, other than occasional gifts identified in N.J.A.C. 10:82-3.2(b)8, shall be recognized as unearned income only when made in cash to one or more members of the eligible unit (see also N.J.A.C. 10:82-2.3). This does not apply to LRRs who have an evaluated capacity to support.

Amended by R.1980 d.389, effective November 1, 1980.

See: 12 N.J.R. 414(c), 12 N.J.R. 600(a).

(b) substantially amended.

Amended by R.1986 d.115, effective April 7, 1986 (operative May 1, 1986).

See: 18 N.J.R. 20(b), 18 N.J.R. 689(b).

Added text in (b) "been determined by the CWA IV-A unit to have".

Amended by R.1987 d.285, effective July 20, 1987.

See: 19 N.J.R. 344(a), 19 N.J.R. 1317(a).

Substituted "to" for "of", deleted text "are an available resource".

Case Notes

Monthly mortgage payments made by legally responsible relative. *Schmidt v. N.J. Dept. of Institutions and Agencies*, 147 N.J.Super. 150, 153, 370 A.2d 892 (App.Div.1977) (regulation cited as ASH § 431.1).

Money to pay rent was not unearned income. *Bergen County Board of Social Services v. C.L.*, 92 N.J.A.R.2d (DEA) 9.

Regulations in N.J.A.C. 10:82 regarding loans inapplicable to Food Stamp dispute by provision of N.J.A.C. 10:87-1.5. In re: S.C., 6 N.J.A.R. 333 (1981).

10:82-4.14 Exempt income

(a) Exempt income is not considered in determining eligibility for assistance or in computing the amount of the assistance payments.

(b) Exempt income is as follows:

1. Items set forth in N.J.A.C. 10:82-3.2(b); and

2. Income tax refunds, including Homestead Property Tax Rebates; however, any portion of the actual refund remaining in the month following the month of receipt shall be considered as a resource in that following month.

3. EIC payments are to be considered excluded resources in the month of receipt and the month following the month of receipt.

- i. The EIC is not considered a countable income source in the calculation of AFDC benefits (for all segments -C, -F, and -N).

New Rule, R.1987 d.285, effective July 20, 1987.

(c) These regulations are not to be construed to limit any policy pertaining to reimbursement in any program, but must be applied in conjunction with any repayment agreement.

Amended by R.1979 d.424, effective November 1, 1979.
See: 11 N.J.R. 447(b), 11 N.J.R. 560(a).
Amended by R.1980 d.442, effective November 1, 1980.
See: 12 N.J.R. 534(a), 12 N.J.R. 663(d).
(a): "specific purpose" language removed.
See: N.J.A.C. 10:82-3.2(b)7vi and (b)8.
Amended by R.1981 d.287, effective August 6, 1981.
See: 13 N.J.R. 224(c), 13 N.J.R. 499(b).
Substantially amended.
Amended on an emergency basis, R.1981 d.396, effective September 30, 1981 (operative October 1, 1981), exp. November 30, 1981.
See: 13 N.J.R. 763(a).
Readopted, R.1981 d.519, effective December 31, 1981.
See: 13 N.J.R. 763(a), 14 N.J.R. 102(d).
(a)-(a)3 deleted, and a new text for (a) added.
Amended by R.1982 d.443, effective December 20, 1982.
See: 14 N.J.R. 952(a), 14 N.J.R. 1459(b).
Determination of period of ineligibility clarified.
Amended as emergency rule, R.1984 d.463, effective September 28, 1984 (operative October 1, 1984).
See: 16 N.J.R. 2837(a).
Section substantially amended.
Readopted, R.1984 d.568, effective November 28, 1984 (amendment effective December 16, 1984).
See: 16 N.J.R. 2837(a), 16 N.J.R. 3442(a).
Previously filed as emergency rule R.1984 d.463.
Amended by R.1986 d.471, effective December 1, 1986.
See: 18 N.J.R. 260(a), 18 N.J.R. 2388(b).
Added text "No portion of . . . of its receipt."
Amended by R.1987 d.178, effective April 20, 1987.
See: 19 N.J.R. 32(a), 19 N.J.R. 645(a).
New (b) added; old (b) renumbered (c).
Amended by R.1987 d.285, effective July 20, 1987.
See: 19 N.J.R. 344(a), 19 N.J.R. 1317(a).
Text added to (a) "including for AFDC . . . and so forth)."
Amended by R.1988 d.40, effective January 19, 1988.
See: 19 N.J.R. 1782(a), 20 N.J.R. 193(b).
Substituted the word "family" for "unit".
Amended by R.1989 d.497, effective September 18, 1989.
See: 21 N.J.R. 1811(a), 21 N.J.R. 3014(a).
Adverse action notice requirements added at (a)6.
Amended by R.1992 d.261, effective June 15, 1992 (operative July 1, 1992).
See: 24 N.J.R. 1194(a), 24 N.J.R. 2258(a).
Corrected text throughout to add references to Standard of Need and deleted outdated N.J.A.C. cross-references.

Law Review and Journal Commentaries

Welfare. Judith Nallin, 133 N.J.L.J. 48 (1993).

Case Notes

Statutory amendment excluding child's claim for personal injuries as a source of repayment to welfare agency given retroactive effect to infants injured prior to amendment. *Hart v. Fox*, 204 N.J.Super. 564, 499 A.2d 553 (Law Div.1985).

AFDC lump sum ineligibility standard. *B.C. v. New Jersey Dept. of Human Services*, 263 N.J.Super. 225, 622 A.2d 903 (A.D.1993).

Period of ineligibility for AFDC could not be based on proposed regulations. *S.V. v. Burlington County Welfare Agency*, 93 N.J.A.R.2d (DEA) 33.

General instruction not notice of lump-sum rule. *Union County Board of Social Services v. D.J.*, 92 N.J.A.R.2d (DEA) 17.

Applicant temporarily housed in motel for 18 months had to contribute towards cost of housing. *P.F. v. Essex County Welfare Agency*, 93 N.J.A.R.2d (DEA) 36.

Applicant not permanent legal alien and not present under color of law was ineligible for benefits. *S.V. v. Passaic County Board of Social Services*, 93 N.J.A.R.2d (DEA) 29.

No temporary rental assistance; household had sufficient money to cover expenses. *K.S. v. Hunterdon County Board of Social Services*, 93 N.J.A.R.2d (DEA) 17.

Issue mooted by voluntary move. *P.B. v. Hudson County Board of Social Services*, 92 N.J.A.R.2d (DEA) 23.

Ineligibility for AFDC required termination of emergency shelter assistance. *M.M. v. Middlesex County Board of Social Services*, 92 N.J.A.R.2d (DEA) 15.

10:82-4.16 Support and alimony paid by a member of the eligible unit

Child support and alimony payments paid by any member of the AFDC household shall be disregarded in the determination of the assistance payment.

Emergency new rule, R.1981 d.396, effective September 30, 1981 (operative October 1, 1981), exp. November 30, 1981. See: 13 N.J.R. 763(a). Readopted, R.1981 d.519, effective December 31, 1981. See: 13 N.J.R. 763(a), 14 N.J.R. 102(d).

10:82-4.17 Child support received by the eligible unit

The first \$50.00 of any child support payments received on behalf of a dependent child or children by any family applying for or receiving AFDC shall be disregarded. Such child support payments shall include disregarded child support (DCS) payments paid the family through the child support and paternity process and direct support payments received by the eligible unit which represent a current monthly support obligation. These monies are disregarded in determination of initial eligibility, maximum income eligibility, prospective needs test, and the grant computation. The total amount of child support disregarded shall not exceed \$50.00 per month per eligible unit.

R.1984 d.463, effective September 28, 1984 (operative October 1, 1984). See: 16 N.J.R. 2837(a).

New Rule on emergency basis.
Readopted R.1984 d.568, effective November 28, 1984.
See: 16 N.J.R. 2837(a), 16 N.J.R. 3442(a).

Previously filed as a new rule on emergency basis, R.1984 d.463.
Amended by R.1986 d.471, effective December 1, 1986.
See: 18 N.J.R. 260(a), 18 N.J.R. 2388(b).
Substantially amended.

Case Notes

Distinction between social security dependents' benefits and child support payments has a rational basis for equal protection purposes. *Baylor v. New Jersey Dept. of Human Services, Div. of Public Welfare*, 235 N.J.Super. 22, 561 A.2d 618 (A.D.1989), affirmed 127 N.J. 286, 604 A.2d 110.

"Child support" is not restricted to payments assigned to the state and passed through the agency responsible for collection. *Baylor v. New Jersey Dept. of Human Services, Div. of Public Welfare*, 235 N.J.Super. 22, 561 A.2d 618 (A.D.1989), affirmed 127 N.J. 286, 604 A.2d 110.

Social security dependents' benefits are not subject to the \$50 disregard provision for child support. *Baylor v. New Jersey Dept. of Human Services, Div. of Public Welfare*, 235 N.J.Super. 22, 561 A.2d 618 (A.D.1989), affirmed 127 N.J. 286, 604 A.2d 110.

Federal law does not require state to disregard the first \$50 of dependents' Social Security benefits in determining AFDC entitlement. *Baylor v. New Jersey Dept. of Human Services, Div. of Public Welfare*, 235 N.J.Super. 22, 561 A.2d 618 (A.D.1989), affirmed 127 N.J. 286, 604 A.2d 110.

SUBCHAPTER 5. OTHER PAYMENTS

10:82-5.1 General provisions

Payments for the specific classes of service identified in N.J.A.C. 10:82-5.2 and 5.4, and for emergency assistance as defined in N.J.A.C. 10:82-5.10 are not part of the public assistance allowance and shall not be included in the regular monthly grant.

Amended by R.1991 d.7, effective January 7, 1991.

See: 22 N.J.R. 2445(a), 23 N.J.R. 93(a).

Deleted "for expenses of training" as authorized by N.J.A.C. reference.

10:82-5.2 Payment for child care and other services in special circumstances through social services

(a) Definitions, standards and regulations for payment of child care and other services as "special circumstance" payments are promulgated by the Department of Human Services. "Special circumstance" payments are authorized by social service workers through the county welfare agencies. Payments for special circumstances are authorized from Title IV-A, and are payable from the administrative assistance account through the FAMIS system.

(b) Recognizing the division of responsibility between income maintenance workers and social service workers, these regulations are nevertheless contained in this Assistance Standards Handbook to aid the income maintenance worker in being knowledgeable about such services and able to make appropriate referrals.

(c) "Special circumstance" child care payments may be provided through Title IV-A when payment for such care is not available through other resources (see N.J.A.C. 10:81-1.10) and the county welfare agency determines that such care is essential because of any one or more of the following:

1. Serious physical, emotional, mental or cognitive conditions, requiring child care as part of the treatment plan;
2. When illness, death and/or other disruption in family living has created problems, and on the basis of social and/or medical diagnosis, child care is necessary; or

3. The parent, parent-person or parent-minor who normally cares for the child, is in a program of vocational rehabilitation that is not considered REACH participation.

(d) Payment for child care for special circumstances shall not exceed the maximum rates established by the Department of Human Services in N.J.A.C. 10:82-5.3(g). Authorizations for payment of "special circumstance" child care costs are limited to providers of child care who satisfy the criteria in N.J.A.C. 10:82-5.3(c) through (f).

(e) Transportation costs for special circumstance child care services may be provided as follows:

1. When transportation to and from a licensed child care center or day camp, approved by the Department of Health, is not available from any other source, payment for such transportation as a special circumstance (for example, when the caretaker relative is ill) may be made for actual cost up to a maximum of \$10.00 per week per child.

2. When transportation or the cost of transportation of children with special needs (that is, serious physical, emotional, mental or cognitive conditions as defined in N.J.A.C. 10:81-14.18(c)1) to and from child care arrangements is not available from any other source, payment for such transportation may be made for actual cost as a special circumstance payment up to a maximum of \$10.00 per week per child.

(f) Payment policies that govern child care in the REACH program shall be applied to child care for special circumstances to the extent practicable (see N.J.A.C. 10:81-14.18(c)). Payment for child care for REACH participation is set forth at N.J.A.C. 10:81-14.18.

Amended by R.1991 d.7, effective January 7, 1991.

See: 22 N.J.R. 2445(a), 23 N.J.R. 93(a).

In (a): added "special circumstance" language.

Added new subsections (c)-(f).

10:82-5.3 Payment for child care through Title IV-A funds

(a) "Child care" for the purposes of this section means payment for care of a child in both REACH/JOBS and non-REACH/JOBS situations through Title IV-A funding. For individuals participating in the REACH/JOBS program, including individuals eligible for post-AFDC REACH/JOBS benefits, the provisions of N.J.A.C. 10:81-14.18 shall apply. With the exception of (h) below concerning care in approved maternity homes, no child care payment shall be authorized which exceeds the maximum rates established by the Department of Human Services (see (g) below). Actual costs per child per week shall be reasonably related to the hours of child care needed, and to accommodate any special circumstance situation as defined in N.J.A.C. 10:82-5.2(c) on a case-by-case basis. If a child is placed in the care of more than one child care provider in any single week, the total cost of care distributed among providers shall be based on the child care arrangements, the age or special circumstance situation of the child and the hours of care provided.

Amended by R.1980 d.28, effective March 1, 1980.

See: 11 N.J.R. 556(a), 12 N.J.R. 86(c).

Previous language covered purchase of homemaker services as administrative/service expense.

Case Notes

Aid recipient entitled to payment of verified travel expenses incurred in visiting son hospitalized for injuries; payment of travel expenses incurred without prior authorization approved in emergency situation. *H.H. v. Middlesex Cty. Bd. of Social Services*, 1 N.J.A.R. 150 (1980).

10:82-5.5 (Reserved)

Amended by R.1980 d.28, effective March 1, 1980.

See: 11 N.J.R. 556(a), 12 N.J.R. 86(c).

Replaced text covering purchase of health care travel costs as service expense.

10:82-5.6 (Reserved)

Repealed by R.1991 d.7, effective January 7, 1991.

See: 22 N.J.R. 2445(a), 23 N.J.R. 93(a).

Section was "Expenses incident to training."

Case Notes

Parent in training for employment. *Essex Cty. Welfare Bd. v. Dept. of Inst. & Agencies*, 139 N.J.Super. 191, 353 A.2d 132 (App.Div.1976). *Essex Cty. Welfare Bd. v. Dept. of Inst. & Agencies*, 139 N.J.Super. 47, 352 A.2d 270 (App.Div.1976).

10:82-5.7 Work/training allowances through REACH

Work/training allowances for expenses incident to REACH participation in work/training activities are set forth at N.J.A.C. 10:81-14.19. No other work/training allowances may be authorized. Those allowances shall be for expenses not otherwise provided through other resources (see N.J.A.C. 10:81-1.10.). The work/training allowance shall be paid by separate check to the assistance payee or authorized vendor. Payment shall be from the administrative account, Title IV-F.

Repeal and New Rule, R.1991 d.7, effective January 7, 1991.

See: 22 N.J.R. 2445(a), 23 N.J.R. 93(a).

Section was "Disallowances; expenses incident to training."

Deleted existing subsection (a)1-4.

10:82-5.8 (Reserved)

Repealed by R.1991 d.7, effective January 7, 1991.

See: 22 N.J.R. 2445(a), 23 N.J.R. 93(a).

Section was "Monthly allowance; expenses incident to training."

10:82-5.9 (Reserved)

Amended by R.1979 d.363, effective November 1, 1979.

See: 11 N.J.R. 377(a), 11 N.J.R. 519(d).

Repealed by R.1991 d.7, effective January 7, 1991.

See: 22 N.J.R. 2445(a), 23 N.J.R. 93(a).

Section was "Child care payments."

10:82-5.10 Emergency assistance

(a) "Emergency Assistance" (EA) is hereby established as any initial, extra or additional payment(s), authorized in accordance with (d) through (n) below during the period of 30 consecutive days immediately following the date the application for EA is made/approved as a result of the

occurrence of an emergency as defined in (d) below. Emergency assistance can be issued to AFDC families in receipt of presumptive eligibility benefits or continuing assistance or to non-AFDC families satisfying AFDC eligibility with the exception of those requirements at (a)1 below. The PA-1J form shall be used to determine eligibility for emergency assistance. Once immediate need is apparent, and the family is otherwise eligible, emergency assistance shall be authorized and/or provided as appropriate. Except as noted in (g) below, payments of emergency assistance in AFDC shall be made as vendor payments whenever feasible, or as direct payments to the eligible unit, or as a combination of both.

1. In addition, these regulations apply to an emergency (as described in (d) below) if the applicant meets all requirements for the AFDC program except for the deprivation, enumeration and evaluation of legally responsible relatives requirements (as defined in N.J.A.C. 10:81-2.7, 10:81-11.3 and 10:81-3.5(b)4i).

i. Emergency assistance is not available if the need for such assistance arose because the applicant or the specified relative with whom the applicant is living refused without good cause as defined in N.J.A.C. 10:81-3.18 to accept employment or training for employment.

2. Financial eligibility for all applicants for emergency assistance shall be determined using Schedule II of N.J.A.C. 10:82-1.2 and the maximum income levels for AFDC-C and AFDC-F segments of Schedule I of N.J.A.C. 10:82-1.2.

(b) The goal of the EA shelter/housing program is to prevent homelessness or provide shelter and to coordinate support services, with family participation, at all levels of government and with other appropriate sectors of the human services delivery community. In an effort to preserve the family structure and stable environment, the EA program is a multistage process designed to minimize the incidence of homelessness. This process begins, if possible, with the prevention of actual homelessness through agency intercession, the provision of temporary housing arrangements for up to three calendar months, with extensions for temporary housing for up to two additional calendar months. In addition, when there is evidence that the joint efforts of the family and the CWA to resolve the emergency have been unsuccessful and no alternative shelter/housing exists, individualized extensions may be provided on a month by month basis for temporary shelter/housing when the need for each such extension is documented in the case record in accordance with the provisions at (f)1iii below. The EA shelter/housing program is thus designed to provide, with reasonable certainty, for the initial and/or continuing emergency shelter/housing needs of otherwise eligible AFDC families. It is acknowledged that there is a shared responsibility between the family and the CWA with other governmental/non-governmental entities at the municipal, county, and State levels.

1. CWAs shall attempt to utilize all reasonably available resources and services offered throughout the community to meet specific needs of EA families.

(c) In an effort to minimize the incidence of homelessness among New Jersey's AFDC recipient population, the CWAs shall be alert to the following circumstances which may reasonably be assumed to, if not addressed, result in imminent or actual homelessness of the family. Upon identification of any of the indicators identified in (c)1 through 5 below, the agency representative should review the case record to determine if the family should be referred to appropriate social services personnel within the agency to help the family plan to ensure the availability of uninterrupted housing.

1. When shelter costs equal or exceed total recorded income to the AFDC family and the client is unable to document other sources of income, for example, loans from relatives, that enable the family to meet monthly housing/living expenses;

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

3. When the family's income is reduced as a result of reduction in the amount of AFDC benefits or other available income, for example, loss of the \$50.00 disregarded child support payment, a child in the family loses AFDC eligibility due to age, or a member of the family dies;

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

5. When the CWA receives information that the family is involved in a tenant/landlord dispute or threatened foreclosure.

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

(d) Emergency assistance is available in the following circumstances:

1. When there has been substantial loss of housing, food, clothing, or household furnishings by fire, flood or other similar disaster and the eligible family is in a state of homelessness and the county welfare agency determines that the providing of shelter/housing and/or food and/or emergency clothing, and/or minimum essential house furnishings are necessary for health and safety, such needs may be recognized in accordance with the regulations and limitations in this section.

2. Where there is documentation of a pending eviction or foreclosure, such as a tenancy complaint filed by the landlord, an order from a court for eviction or foreclosure, an actual eviction or foreclosure has occurred, or when prior housing is no longer available, and the eligible family demonstrates a lack of realistic capacity to plan for substitute housing as defined in (d)2iii below, emergency assistance shall be authorized in accordance with (d)2i and ii below. In extreme circumstances of pending eviction or actual eviction, where documentation, as required, does not exist, a letter from a landlord or other person serving in such capacity (relative/friend with whom the family is residing), subject to CWA verification, stating that eviction is imminent or has occurred may be accepted by the CWA.

i. Payment may be authorized for retroactive rental, mortgage and/or utility payments if it will prevent actual eviction or foreclosure in accordance with (f)2 below.

ii. In situations of homelessness due to actual eviction or foreclosure or when prior housing is no longer available, payment shall be authorized for emergency shelter in accordance with (e), (f) and (g) below.

iii. Families are expected to manage their funds and maintain their children in a safe living environment. Lack of realistic capacity to manage funds, maintain safe housing and plan for substitute housing exists in the following circumstances:

(1) When the family can demonstrate that there was insufficient time to secure substitute housing between receipt of notice of imminent loss of housing and actual eviction, foreclosure or loss of prior permanent housing;

(2) When the family can demonstrate or signs a document, prepared by the CWA, certifying that available funds and resources, including liquid resources at N.J.A.C. 10:82-3.1(d), were exhausted on items deemed appropriate, necessary or reasonable for decent living and such expenditures were made as a result of a significant occurrence or situation, not due to the meeting of day to day living cost items. 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 food, clothing and housing, other appropriate items include, but are not limited to, expenditures for a family emergency, for example, attending the funeral of a family member, or excessive costs for unreimbursed medical expenses; or

(3) When the family demonstrates functional incapacity, for example, evidence of alcohol or drug abuse, which would prevent them from planning for or securing substitute housing.

(A) In situations where the family demonstrates functional incapacity, a protective payee shall be assigned or AFDC and EA benefits issued in the form of restricted or vendor payments in accordance with the criteria set forth at N.J.A.C. 10:81-4.5 and 4.9 through 4.14.

3. In situations where an applicant or recipient indicates that he or she and his or her children have left their customary residence and the family is in a state of homelessness due to imminent or demonstrated domestic violence which imperils the health and safety of one or more members of the eligible family.

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.

4. In instances where Division of Youth and Family Services, in consultation with the CWA, certifies that placement of the children in foster care 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 provisions of this section.

5. If at time of application for EA benefits, or at any time during the receipt of EA benefits, the CWA determines that a family is ineligible for EA, that determination must be documented in the case record, including the specific reason(s) for the denial/termination of benefits. Any adverse action concerning the provision of EA benefits is subject to the notice requirements specified at N.J.A.C. 10:81-7.

(e) There is a shared responsibility between the family and the CWA to minimize the incidence of homelessness, secure emergency housing, address the circumstances that contributed to a family's imminent or actual homelessness, and ultimately obtain affordable permanent housing. In order to resolve a situation of imminent or actual homelessness, the CWA shall advise the family of the conditions of eligibility for the ongoing receipt of EA as delineated in (e)1 below and, in conjunction with the family, develop a service plan to help the family secure and maintain affordable permanent housing as specified in (e)2 below.

1. While receiving EA for temporary shelter/housing, the family has a continuing responsibility to seek alternative affordable permanent housing. The family shall be issued Form PA-70, Notice of Conditions of Eligibility for the Receipt of Emergency Assistance, a written notice which must be signed by both the CWA representative and the client, which signifies that the family has been made aware of its responsibilities set forth below.

i. The family shall make every effort within its ability to secure affordable permanent housing and to document such efforts in writing. The family shall:

(1) Begin the search for permanent housing no later than the date specified in Form PA-70;

(2) Make a reasonable number of contacts with realtors or potential landlords each week until permanent housing is secured. The number of weekly contacts to be made shall be determined by the CWA, in conjunction with the family, taking into consideration medical and/or social circumstances. For example, it shall be considered reasonable for a person who is not suffering from physical or mental incapacity to conduct up to 10 contacts per week. Where good cause for non-participation in housing searches exists, Form PA-70 shall reflect the applicable reason(s).

(A) Contacts may be made by personal visit or any other method specified in Form PA-70;

(3) Provide written documentation of all contacts. Such documentation shall consist of the date of the contact, the telephone number (if applicable), the address (location) of the housing site, and the name of the person contacted (landlord or agent);

(4) Pursue and take advantage of Section 8 Housing Certificates, local public housing and/or other housing subsidy programs specified in Form PA-70;

(5) Utilize available community resources and services specified in Form PA-70 which could assist the family in securing permanent housing; and

(6) Notify the CWA immediately upon locating available housing which is both affordable and permanent.

ii. Refusal, without good cause, to cooperate with the provisions specified in or to sign the Notice of Conditions of Eligibility for the Receipt of Emergency Assistance, shall render the family ineligible for continuing EA benefits.

(1) Willingness on the part of the family to sign Form PA-70 and cooperate in the search to secure permanent housing shall establish eligibility for continuing EA benefits, if otherwise eligible.

2. The CWA shall have responsibility to assist the family to resolve the emergency situation and to assist the family to secure a suitable permanent housing arrangement. Upon CWA contact with the EA family, the CWA shall:

i. Assess the emergent situation and initiate appropriate action, for example, intercede in tenant/landlord disputes, arrange for payment of back rent, mortgage or utilities, arrange for the immediate provision of appropriate shelter in situations of actual homelessness, and so forth;

ii. Explain to the family, as well as provide a written copy of, EA rights and responsibilities;

iii. Discuss with the EA family the emergency shelter/housing arrangement which the CWA determines, in accordance with (f) below, will meet the family's immediate emergency shelter/housing needs and takes into consideration the family's individual circumstances;

iv. Explain that a written service plan shall be developed, within 10 working days of the EA authorization date, to provide an individualized plan aimed at addressing those circumstances which contributed to the family's homeless situation and limit its ability to secure and/or maintain permanent housing (for example, insufficient funds, substance abuse, mental illness). At the CWA's option, a service plan need not be developed where EA benefits are provided solely for back rent/mortgage and/or utility payments.

(1) Arrange a meeting with the family to prepare the plan which shall be signed by both the client and the CWA representative. The CWA shall retain the original plan and provide a copy to the family.

(2) The individualized service plan may include, but is not limited to:

(A) Selection of a housing arrangement which takes into consideration the family's individual circumstances, such as mental and/or physical problems;

(B) Provision of services, as set forth at N.J.A.C. 10:82-5.10(1);

(C) Referral to affordable housing (if known) as well as referral to and/or application for other available benefit entitlements or services, for example, Social Security Administration, Department of Community Affairs, Community Mental Health Services, drug and/or alcohol rehabilitation program; or

(D) If appropriate, referral to REACH/JOBS. If not accepted by REACH/JOBS case management, referral to another training or rehabilitation program, such as the Job Training Partnership Act (JTPA) or vocational rehabilitation, likely to result in employment or the securing of a job leading to the maintenance of affordable permanent housing; and

v. As a sound management tool, the CWA shall routinely reevaluate and/or revise Form PA-70 and the service plan as warranted by changes in the EA family's shelter/housing needs and/or other pertinent circumstances.

(f) The county welfare agency shall authorize payment of the actual cost of adequate emergency shelter/housing arrangements at the most reasonable rate available, taking into consideration family circumstances and services provided, for three calendar months inclusive of the month in which EA benefits are first provided. If at the end of the third month for which EA has been provided permanent housing has not been secured, EA extensions may be authorized, if necessary, for up to two additional months. Such emergency shelter/housing, wherever possible, shall be in the municipality in which the eligible family currently resides. If, however, shelter/housing is not available at the most reasonable rate, taking into consideration family circumstances and services provided, within the municipality of customary residence, the recipient, as a condition of eligibility, shall be obliged to accept shelter/housing which is situated outside the municipality of customary residence. In situations where the county welfare agency determines that despite efforts of both the family and the agency, permanent living arrangements are unavailable, an extension of emergency assistance may be authorized in accordance with the provisions of (f)1iii below.

1. Placement of the family in a hotel, motel, or shelter shall be at the most reasonable rate, for a temporary period. The CWA shall determine, after discussion with the EA family, the emergency shelter/housing arrangement which will meet the family's immediate emergency shelter/housing needs and takes into consideration the family's individual circumstances.

i. The regular grant of assistance (including calculated earned income and exempt income) is not to be counted in the determination of the amount of emergency assistance payments authorized for emergency shelter arrangements, except as noted in (f)5 below.

ii. The CWA shall be responsible for payment of all costs related to the placement of the family in a hotel, motel, or shelter under EA.

iii. If at the end of the fifth month for which EA has been provided permanent housing has not been secured, individualized extensions beyond the five months for temporary shelter/housing may be provided, on a month by month basis, when no alternate plan is available and the need for such extension(s) is documented in the case record, and is for any of the reasons stipulated in (f)1iii(1) through (3) below. At the time the determination of eligibility for the first such extension is made, the CWA shall reevaluate the family's situation, including review of the service plan, possible referral for social services, such as DYFS or CWA social services unit, and/or assignment of a protective payee, if deemed appropriate in accordance with the criteria set forth in N.J.A.C. 10:81-4.9 through 4.14.

(1) Due to illness or incapacity of the parent or of another person which requires the parent's presence in the home on a substantially continuous basis, the individual(s) is unable to perform activities of daily living including participating in permanent housing searches and/or complying with any of the other provisions in Form PA-70;

(2) Alternate permanent housing is anticipated to be available or a change in circumstance, for example other sources of income, is identified which will, within two months subsequent to the extension month, eliminate the need for such extensions; or

(3) When no alternate shelter/housing arrangement is available, the family will otherwise be without shelter/housing, and the EA recipient family has satisfactorily fulfilled its permanent housing search responsibilities or is determined unable to make such permanent housing searches and continues to require additional EA shelter/housing assistance.

2. Payment may be authorized for up to any three calendar months of retroactive rental or mortgage payments and/or six calendar months of retroactive utility payments if it will prevent actual eviction or foreclosure.

i. Payments for more than three calendar months of retroactive rental or mortgage payments and/or six months of retroactive utility payments may be made only under extraordinary circumstances subject to authorization by DEA.

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 is acceptable under EA.

3. When required to establish the family in a more permanent living arrangement, allowances may be authorized for expenses related to that arrangement including, but not limited to, security deposits for rent and utilities, and one month's advance rent.

4. Payment may be authorized for moving expenses, including furniture storage, incident to the emergency and when required to establish the family in a more permanent living arrangement.

5. Temporary rental assistance may be authorized in order to resolve imminent or actual homelessness by enabling families to meet temporary housing costs and shall be expedited by the CWA to preclude the loss of an existing or potential housing arrangement (see (f)5i and ii below). Temporary rental assistance may be authorized by the CWA upon initial authorization of EA or at any time during the receipt of EA as follows:

i. In addition to back rent/utility payments, temporary rental assistance may also be issued in accordance

with (f)5iii below, when the family is facing pending eviction from permanent housing which had previously been affordable, for reasons such as, but not limited to, loss of employment, temporary unemployment or underemployment, and it is anticipated that such permanent housing will become affordable; or when it is determined that maintaining the family in its current housing arrangement is both the least costly alternative and serves to preserve the family structure and stable environment and the family continues to search for affordable housing in accordance with (f)5iii(2) below.

(1) Temporary rental assistance may be provided for that period of time necessary to resolve potential homelessness, but shall not exceed 12 months when computed in combination with the number of months of back rent provided immediately prior to the issuance of temporary rental assistance, if any.

(A) Example: If EA back rent payments are authorized to cover a period of three months immediately prior to the issuance of temporary rental assistance, a maximum of nine months of rental assistance may be provided.

(B) Example: If EA back rent payments are provided and no additional EA benefits are required to resolve that emergency and the family subsequently reapplies for EA, temporary rental assistance may be provided for up to 12 months.

ii. Temporary rental assistance may be authorized, on a case by case basis based on a review of the family's circumstances, for a period of up to 12 calendar months for families who have experienced an actual state of homelessness and the family is able to locate a housing arrangement or can be accommodated in a housing arrangement in lieu of a temporary housing arrangement. Temporary rental assistance may also be authorized for a period of up to 12 calendar months to EA families temporarily residing in hotels, motels, or shelters and can now be accommodated in a more permanent living arrangement.

iii. Issuance of temporary rental assistance is governed by the following:

(1) Temporary rental assistance shall be provided for those housing arrangements which can be considered of a "permanent nature" by the family and/or the community.

(2) The determination of the CWA to authorize and/or continue temporary rental assistance shall be contingent upon the family's cooperation to comply with the eligibility requirement to conduct or continue to conduct permanent housing searches to find an affordable housing arrangement as delineated in (e)1 above.

(3) The amount of the authorized temporary rental assistance shall take into account all housing costs including basic utilities.

(4) CWAs shall authorize temporary rental assistance of up to \$250.00 per month to supplement an EA family's regular AFDC grant and/or earned income. CWAs shall ensure, however, that the recipient retains 35 percent of the family's monthly income including any SSI benefits or other income received by a family member residing in the household. Amounts in excess of 35 percent may be retained by the family when it is determined that the family has special needs which must be documented in the case record. The portion of the family's regular grant identified as its share of rental costs issued in accordance with N.J.A.C. 10:81-4.5(c) as well as any other available income shall represent the family's contribution towards the monthly housing costs.

(5) Requests for temporary rental assistance in amounts in excess of \$250.00 must be approved by DEA prior to issuance.

(6) Temporary rental assistance may be continued for EA families who lose ongoing AFDC eligibility due to the receipt of or an increase in earned income only under extraordinary circumstances subject to authorization by DEA. Such requests shall be evaluated on an individual basis to determine whether or not temporary rental assistance will be continued and at what level. Such rental assistance may be authorized only for that period of time necessary to facilitate the family's transition to housing which is affordable without the provision of EA benefits, but in no event longer than three calendar months.

(A) AFDC cases closed due to other AFDC program regulations, for example, no eligible child in the home, and so forth, shall not be eligible for continued temporary rental assistance.

6. Counties may be authorized to operate approved EA programs in order to serve specific population target groups such as those families who are dysfunctional as a result of suffering from substance abuse, and/or other debilitating conditions. Such special initiatives will be implemented through the submission and approval of plans designed to address locally suited alternatives to homelessness. Plans shall have prior written approval from DEA before funding can be authorized and shall:

i. Include the goal of reducing the use of motels/hotels for emergency placements as well as facilitate a more humane response to EA families in need of support services beyond simply shelter/housing requirements;

ii. Describe the target group, the number of individuals to be served by the program components, type of services to be provided, cost estimates, cost effectiveness and procedures for monitoring/evaluation of the local initiatives; and

iii. Include a coordinated involvement of non-profit organizations as well as signify local collaborative efforts undertaken through the Human Services Advisory Council (HSAC) and Comprehensive Emergency Assistance System (CEAS).

(g) When an application for EA shelter/housing has been filed, the need for appointment of a protective payee or issuance of AFDC and EA benefits in the form of a restricted or vendor payment shall be evaluated/issued in accordance with the criteria set forth at N.J.A.C. 10:81-4.5 and 4.9 through 4.14. At time of application, the family shall be advised that, if a second or subsequent application for EA shelter/housing benefits is approved within a 12 consecutive month period, the CWA shall assign a protective payee before payment is issued or AFDC and EA benefits shall be issued in the form of a restricted or vendor payment. The CWA shall appoint a protective payee or issue AFDC and EA benefits in the form of restricted or vendor payment for a second or subsequent shelter/housing emergency within a 12 month period unless extenuating circumstances, documented in the case record, warrant issuance of unrestricted payment(s) to the family.

(h) Emergency food allowance: 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, next regular assistance payment, support payment, receipt of earnings, receipt of food stamps).

1. When it is necessary to provide temporary living arrangements for a family 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 welfare 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 (for example, next regular assistance payment, support payment, receipt of earnings, receipt of food stamps).

(i) Emergency clothing allowance: Funds from the regular assistance grant or funds considered in developing the amount of that grant are not to be considered in computing the amount of payment for replacement of clothing lost or destroyed in the incident or occurrence giving rise to the emergency. When necessary, payments to enable members of the eligible unit to purchase minimum essential clothing for physical health and safety may be granted, not to exceed the amounts stated below:

- 1. Adult- \$86.00;
- 2. Child, age 13 and over- 86.00;
- 3. Child, age 5 through 12- 48.00;
- 4. Child, birth through four- 29.00.

(j) Emergency house furnishings allowance: Allowances for those items deemed urgent and essential to the physical health and safety of the eligible unit shall not exceed the maximums listed below.

1. Funds from the regular assistance grant or funds considered in developing the amount of that grant are not to be considered in computing the amount of payment for replacement of house furnishings lost or destroyed in the incident or occurrence giving rise to the emergency.

2. 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 family may be moving from a hotel/motel shelter or furnished apartment into an unfurnished living arrangement and they do not possess essential furniture. Another example of when the use of EA funds is appropriate for replacement purposes is when an item such as a refrigerator may wear out which, because of the nature of the item, is essential for the health and well-being of the family.

Number of persons in eligible unit	1	2	3	4	5	6 or more
Kitchen furnishings:						
Range	\$130	\$130	\$130	\$130	\$130	\$160
Refrigerator	200	200	220	220	220	260
Washing machine			200	200	200	200
Dinette set	45	45	65	65	85	85*
Kitchen equipment	50	60	60	72	72	80
Living room furnishings:						
Couch and chair(s)	125	175	175	225	225	225
Table	20	20	20	20	20	20
Lamp(s)	20	20	20	35	35	35
Floor covering	25	25	25	25	25	25
* Over 6—\$12 per additional person						
Bedroom and bath furnishings:						
Box spring, mattress, and frame, per set		\$110 twin			\$130 double	
Bunk beds, per set of 2		\$135				
Crib with mattress		\$ 50				
Chest(s) of drawers		\$ 50 per person				
Bed and bath linens and miscellaneous furnishings		\$ 36 per person			(Not to exceed \$200 per family)	
Window coverings		\$2.50 per window				

Note: The required amount of sales tax may be authorized in addition to the above maximum allowances.

(k) Temporary care assignments for AFDC children: In an emergency situation such as a mother's being hospitalized or otherwise suddenly removed from the home and there is no other parent in the home, the county welfare agency may deem it necessary to provide a temporary care arrangement for the child(ren) in accordance with N.J.A.C. 10:81-4.7. Payment shall be authorized according to the conditions stated in subsection (a) of this section for a period not to exceed two calendar months following the month in which the placement is made (by which time permanent arrangements will have been made by Division of Youth and Family Services, or eligibility determined for AFDC-C segment if appropriate). Payment shall be as follows:

- i. When the child is placed in a temporary home or shelter, the rate shall not exceed \$5.50 per day per child;
- ii. When arrangement is made for temporary care in the child's own home, payment to the individual providing such care shall be at the most reasonable rate available, but shall in no event exceed the rate for homemaker service in that community, regardless of the number of children involved.

(l) Services: The following services shall be performed by CWA personnel and must, where appropriate, be provided to all cases granted EA benefits and are chargeable as Title IV-A funds.

- i. Information;
- ii. Referral;
- iii. Counseling;
- iv. Assistance in securing family shelter, including transportation;
- v. Assistance in arranging for child care; and
- vi. Referral for legal services.

(m) Return of child from foster care provisions are as follows:

1. The CWA may authorize emergency assistance to a family on behalf of a child for the purpose of facilitating the return of a child from foster care placement when the appropriate District Office 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:

- i. The emergency assistance has not been used on behalf of this child before under this provision;
- ii. The CWA is in receipt of detailed written verification (Form PA-60, Certification of Return from Foster Care) from DYFS that the return is barred solely by insufficient or inadequate shelter, food, clothing or home furnishings and there is no other way by which a deficiency can be remedied;

iii. 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;

iv. The child had been living with his or her parents or other relatives as specified in N.J.A.C. 10:81-3.11 within six months prior to the month in which a grant of emergency assistance is provided and the return from placement will be to such a parent or relative;

v. Upon return of the child, AFDC eligibility will exist.

2. Payments of emergency assistance as identified in this section shall be authorized during the 30-day period

immediately prior to the expected return date. If the child has not been returned by the date indicated, or within 10 working days thereafter, such grants as have not been expended shall be returned to the CWA.

3. Allowances:

i. Housing: Allowances may be made for the cost of change in permanent housing arrangement including moving costs, security and utility deposits and/or advance rent, when necessary or cost of improvement of existing housing based on the most reasonable cost available.

(1) Allowances made for the cost of change in permanent shelter arrangements must be documented as necessary for the return of the child. Reasons for such change may include, but are not limited to, the following conditions: inadequate space in current living arrangements; building or health code violations; or lack of access to necessary services for the child.

(2) Where there are buildings and health code violations, they shall be referred to and documented by the appropriate agency(ies) with authority over such matters.

(3) Where an allowance is needed for security and utility deposits, and/or advance rent the CWA shall establish such deposits on behalf of the eligible unit.

(4) Allowances for improvements to existing shelter are limited to improvements involving nonstructural changes and in no event shall be authorized if the family does not own the dwelling nor is responsible for such improvement under the terms of a lease or written rental agreement.

ii. Food: An allowance for food may be provided in accordance with (h) above.

iii. Clothing: An allowance for clothing for the child to be returned from foster care placement may be provided in accordance with (i) above.

iv. Home furnishings: An allowance for the child for house furnishings necessary to facilitate the return of the child from foster care placement may be made in accordance with (j) above.

4. Upon return of the child, it is the responsibility of the family to which the child is being returned to meet the shelter, food, clothing and home furnishings needs within existing resources.

5. CWAs shall report to DEA on emergency assistance payments as to those cases for which emergency assistance was granted to return a child from foster care placement. DYFS shall monitor such cases in order to evaluate the effectiveness of such assistance in reducing foster care placements and foster care costs.

6. In addition to notice requirements set forth in N.J.A.C. 10:81-7.1, a copy of any denial notice for emergency assistance under these provisions shall be provided to the appropriate DOM.

(n) Whenever a family requiring the provision of EA benefits moves from one county to another, the following provisions shall apply:

1. Where the county of origin (county where the emergency occurred) places the family in out-of-county emergency housing, that county shall retain financial responsibility for shelter payments, regular assistance payments and issuance of food stamp benefits, as well as other functions of case management until the homelessness is resolved and permanent housing obtained. The county of origin shall provide transportation to assist the family in negotiating their ATP. Such out-of-county placements may occur as a result of emergency housing shortages or prohibitive in-county temporary housing rental costs. If mutually agreed upon by the parties involved, the new county of residence may assume full responsibility for administration of the case.

2. When an EA recipient family residing in one county voluntarily takes up residence in another county, without CWA intercession, the new county of residence shall assume responsibility for EA payments, as well as all other case management functions, pursuant to case transfer provisions at N.J.A.C. 10:81-3.27. (Note: If the family has been receiving food stamp benefits, the food stamp case shall be closed in the county of origin and the family advised that they must apply for food stamp benefits in their new county of residence.)

3. When a non-EA AFDC recipient family voluntarily moves from one county to another county, with or without CWA intercession, and a subsequent change in circumstances results in the need for EA, the new county of residence shall immediately assume responsibility for EA payments, as well as all other case management functions, pursuant to case transfer provisions at N.J.A.C. 10:81-3.27.

4. The family's right to uninterrupted assistance shall not be jeopardized because of interagency disputes concerning case management responsibilities.

As amended, R.1977 d.220, eff. August 17, 1977.

See: 9 N.J.R. 434(e).

As amended, R.1978 d.415, eff. December 6, 1978.

See: 10 N.J.R. 432(a), 11 N.J.R. 17(c).

Amended by R.1980 d.28, effective March 1, 1980.

See: 11 N.J.R. 556(a), 12 N.J.R. 86(c).

(b)1: Deleted requirement of special review and meeting for State matching; amended language.

Amended by R.1980 d.166, effective May 1, 1980.

See: 12 N.J.R. 120(b), 12 N.J.R. 278(f).

Added paragraph (d)4.

Amended by R.1980 d.552, effective February 1, 1981.

See: 12 N.J.R. 584(a), 13 N.J.R. 101(a).

(c)1i added. (c)3 Regular assistance grant or funds not to be considered in replacement computation. (c)4 Regular assistance grant or funds not to be considered in replacement computation. (c)4i "furniture and appliances" deleted.

Amended by R.1982 d.207, effective July 6, 1982.

See: 14 N.J.R. 375(a), 14 N.J.R. 709(d).

(a)4. The amendment deletes the specification that the price limits on house furnishings apply only to new items.

Amended by R.1982 d.376, effective November 1, 1982.

See: 14 N.J.R. 698(a), 14 N.J.R. 1215(a).

Provides for AFDC emergency assistance to return children from foster care.

Amended by R.1982 d.440, effective December 1, 1982.

See: 14 N.J.R. 1169(a), 14 N.J.R. 1461(a).

Originally filed as an emergency adoption (R.1982 d.367) on October 1, 1982. Readopted as R.1982 d.440. Less than whole dollar amounts are rounded down.

Correction: Text had been omitted throughout section.

See: 17 N.J.R. 2465(b).

Emergency Amendment R.1986 d.130, effective March 27, 1986 (expires May 26, 1986).

See: 18 N.J.R. 849(a).

Substantially amended.

Amended by R.1986 d.203, effective June 2, 1986.

See: 17 N.J.R. 2336(a), 18 N.J.R. 1200(b).

(c) added text "two calendar months".

Amended by R.1986 d.471, effective December 1, 1986.

See: 18 N.J.R. 471(a), 18 N.J.R. 2388(b).

(c)1ii added.

Correction: (c)1iii was adopted on an emergency basis and expired on May 26, 1986. Rule reverted back to original text.

See: 19 N.J.R. 663(a).

Amended by R.1987 d.466, effective November 16, 1987.

See: 19 N.J.R. 1171(b), 19 N.J.R. 2190(a).

Substantially amended.

Emergency Rule, R.1988 d.194, effective March 31, 1988 (operative April 1, 1988, expires April 30, 1988).

See: 20 N.J.R. 933(a).

Added (d)lviii.

Emergency Amendment and Concurrent Proposal R.1988 d.358, effective July 7, 1988 (expires September 5, 1988).

See: 20 N.J.R. 1956(a).

Added (d)lviii.

Amended by R.1989 d.497, effective September 18, 1989.

See: 21 N.J.R. 1811(a), 21 N.J.R. 3014(a).

Emergency assistance provided upon demonstration of immediate need. Provisions for victims of domestic violence added at (e)1ii. Administrative Correction to (d)1.

See: 22 N.J.R. 1938(b).

Amended by R.1991 d.522, effective October 21, 1991 (operative November 1, 1991).

See: 23 N.J.R. 967(b), 23 N.J.R. 3144(b).

Revisions made to provide immediate rental assistance, extensions of eligibility period and emergency resolution planning.

Amended by R.1992 d.261, effective June 15, 1992 (operative July 1, 1992).

See: 24 N.J.R. 1194(a), 24 N.J.R. 2258(a).

Revised (a)1ii as (a)2, adding new Schedule references to text.

Amended by R.1994 d.430, effective August 15, 1994.

See: 26 N.J.R. 1584(a), 26 N.J.R. 3483(a).

Cross References

Home Energy Assistance program emergency energy assistance, see N.J.A.C. 10:89-3.4.

Case Notes

Determination of eligibility for emergency assistance. *Williams v. Dept. of Human Services*, 160 N.J.Super. 306, 389 A.2d 987 (App.Div. 1978). *Barrera v. Dept. of Institutions and Agencies*, 150 N.J.Super. 41, 374 A.2d 1219 (App.Div.1977). *Burton v. Dept. of Institutions and Agencies*, 147 N.J.Super. 124, 370 A.2d 878 (App.Div.1977). *Boyd v. Dept. of Institutions and Agencies*, 126 N.J.Super. 273, 314 A.2d 79

(App.Div.1974), certif. den. 65 N.J. 281, 321 A.2d 242 (1974). *King v. Dept. of Institutions and Agencies*, 124 N.J.Super. 518 (App.Div.1973).

Regulation restricting Temporary Rental Assistance benefits to maximum of 12 months without providing for extension violated legislative mandate that every citizen have adequate shelter. *B.N. v. Department of Human Services*, 287 N.J.Super. 270, 670 A.2d 1111 (A.D.1996).

Vacating judgment for possession in summary dispossess action for nonpayment of rent was warranted. *Housing Authority of Town of Morristown v. Little*, 135 N.J. 274, 639 A.2d 286 (1994).

State constitution did not oblige state to provide emergency shelter assistance. *Franklin v. New Jersey Dept. of Human Services*, 225 N.J.Super. 504, 543 A.2d 56 (A.D.1988), affirmed 111 N.J. 1, 543 A.2d 1.

Five-month limitation on emergency shelter assistance did not violate state equal protection concepts. *Franklin v. New Jersey Dept. of Human Services*, 225 N.J.Super. 504, 543 A.2d 56 (A.D.1988), affirmed 111 N.J. 1, 543 A.2d 1.

Statutory definition of AFDC did not mandate any specific level or form of benefits. *Franklin v. New Jersey Dept. of Human Services*, 225 N.J.Super. 504, 543 A.2d 56 (A.D.1988), affirmed 111 N.J. 1, 543 A.2d 1.

Statute defining AFDC did not require Department to seek additional appropriations for shelter program. *Franklin v. New Jersey Dept. of Human Services*, 225 N.J.Super. 504, 543 A.2d 56 (A.D.1988), affirmed 111 N.J. 1, 543 A.2d 1.

Five-month limit on emergency shelter assistance did not violate policy of avoiding homelessness. *Franklin v. New Jersey Dept. of Human Services*, 225 N.J.Super. 504, 543 A.2d 56 (A.D.1988), affirmed 111 N.J. 1, 543 A.2d 1.

Five-month maximum for emergency shelter assistance benefits did not violate AFDC program or constitutional right to safety and happiness. *Franklin v. New Jersey Dept. of Human Services*, 111 N.J. 1, 543 A.2d 1 (1988).

Charitable organization which provided shelter to homeless was not in competition with for-profit housing providers such that organization's properties would not qualify for exemption; organization provided counseling services and taught basic living skills, and organization also housed persons who did not qualify for government support or whose government benefits terminated. *Salt and Light Co., Inc. v. Mount Holly Tp.*, 15 N.J.Tax 274 (1995).

AFDC recipient who lost monthly benefits check entitled to emergency assistance in amount equal to monthly AFDC grant to prevent imminent homelessness. *C.S. v. Essex Cty. Dept. of Citizens Services*, 6 N.J.A.R. 1 (1979).

Emergency shelter assistance denied; loss of home by forced sale prior to scheduled mortgage foreclosure sheriff's sale constituted loss of shelter due to circumstances within petitioner's control. *J.C. v. Monmouth Cty. Bd. of Social Services*, 2 N.J.A.R. 173 (1980).

10:82-5.11 (Reserved)

R.1984 d.240, effective June 18, 1984 (operative July 1, 1984—contingent on enactment of this State's Appropriations Act for Fiscal Year 1985 authorizing the proposed increase in public assistance allowance standards).

See: 16 N.J.R. 832(a), 16 N.J.R. 1608(a).

New rule.

Amended by R.1985 d.341, effective July 1, 1985 (operative July 1, 1985).

See: 17 N.J.R. 880(a), 17 N.J.R. 1656(a).

Table changed for eligibility standards.

Amended by R.1987 d.252, effective June 15, 1987.

See: 19 N.J.R. 500(a), 19 N.J.R. 1094(a).

Supplemental payment eligibility amended.

Public Hearing: To include testimony on issues governing the adequacy of the increase in the amended regulations in light of the current cost of living in New Jersey and the relationship of that increase to an adequate standard of need for AFDC and GA recipients.

See: 19 N.J.R. 1658(b).

Administrative Correction to (j).
See: 24 N.J.R. 1499(a).

10:82-5.12 Disregarded child support (DCS) payments

For any month in which an eligible family receives AFDC and a current child support collection which represents a support obligation for that month has been received through the CSP process, the eligible family is entitled to a disregarded child support (DCS) payment. The amount of DCS payment shall be the total amount of current child support collection received on behalf of the entire eligible family, not to exceed \$50.00 (see N.J.A.C. 10:82-1.2(d)). Under the final rules which implement section 2640 of the Deficit Reduction Act of 1984, the date of the child support payment collection is the date a payment is received by the IV-D agency or other legal entity authorized to make the collection. This rule applies solely to collections of current child support and not to collections to be applied against any arrearage balances. Current AFDC eligibility is not a prerequisite for DCS payments based on a previous month's collection.

R.1984 d.463, eff. September 28, 1984 (operative October 1, 1984).
See: 16 N.J.R. 2837(a).

New rule filed as emergency rule.
Readopted, R.1984 d.568, eff. November 28, 1984.
See: 16 N.J.R. 2837(a), 16 N.J.R. 3442(a).

Previously filed as emergency rule R.1984 d.463.
Amended by R.1987 d.351, effective August 17, 1987.
See: 19 N.J.R. 501(a), 19 N.J.R. 1560(a).

Added text "which represents a support obligation for that month".
Amended by R.1989 d.497, effective September 18, 1989.
See: 21 N.J.R. 1811(a), 21 N.J.R. 3014(a).

Child support payment date is date received.

Case Notes

Challenge to regulation in conflict with federal regulations based upon supremacy clause dismissed due to lack of federal jurisdiction; Social Security Act does not provide for equal rights of citizens so as to confer federal jurisdiction under 42 U.S.C. 1343. *Gonzalez v. Young*, 560 F.2d 160 (3rd Cir.1977), affirmed 99 S.Ct. 1905, 441 U.S. 600, 60 L.Ed.2d 508, on remand 599 F.2d 111.