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.2007 d.163, effective May 21, 2007.
See: 39 N.J.R. 8(a), 39 N.J.R. 2113(a).
In (b)1, substituted "appropriate" for "50 percent".
Amended by R.2011 d.078, effective March 7, 2011.
See: 42 N.J.R. 2561(b), 43 N.J.R. 630(a).
Section was "Deeming income of parents of adolescent parents". In (a), substituted "A minor" for "An adolescent", and deleted "and" following "18"; and in the introductory paragraph of (b), substituted "a minor" for "an adolescent", and substituted "minor" for "adolescent" twice.
Amended by R.2011 d.268, effective November 7, 2011 (operative December 7, 2011).
See: 43 N.J.R. 1561(b), 43 N.J.R. 3023(a).
In the introductory paragraph of (b), rewrote the second sentence.

10:90-3.17 WFNJ/GA special payment provisions for other living arrangements

(a) When an individual is purchasing a room and board living arrangement, the following shall apply:

New Jersey State Library

1. When an individual who is in need of extensive personal services on a regular and continuous basis is purchasing a room and board living arrangement in a residential health care facility (licensed by the New Jersey Department of Health and Senior Services for purposes other than the care or treatment of drug or alcohol abuse), the monthly assistance payment ($908.05), including a personal allowance, shall not exceed the rate approved by the New Jersey Department of the Treasury, less any countable income. When a rate increase is approved, a notice of administrative change to that effect will be published in the New Jersey Register. Information about the current rate may also be obtained by contacting the DFD. However, the cost of purchasing such living arrangement shall not exceed the minimum amount which the establishment customarily charges to or for other guests not dependent on public assistance, for the same accommodations and/or services.

2. When an individual is purchasing room and board in a group facility or a boarding home (including a private home) other than a residential health care facility as in (a)1 above, or a center for treatment of drug or alcohol abuse as in (a)4 below, the total monthly benefit payment shall be the maximum benefit payment amount for a single adult as given in Schedule IV or Schedule V at N.J.A.C. 10:90-3.5 and 3.6, as appropriate, less any countable income.

i. The spouse of a boarding home operator when living in the same home is also considered a boarding home operator. Neither the spouse nor a child under age 18 of a boarding home operator may be considered a boarder there.

3. When an individual is receiving room and board in a residential center for the treatment of drug or alcohol abuse, whether or not the center is licensed by the New Jersey Department of Health and Senior Services, the total allowance shall not exceed the amount to which the individual would be entitled as an eligible unit of one as given in Schedule IV or Schedule V at N.J.A.C. 10:90-3.5 and 3.6, as appropriate. Of that amount, $25.00 shall be considered as an allowance for personal incidentals and the remainder as the room and board payment to the center. (Note: Licensure of the center by the New Jersey Department of Health and Senior Services as a medical institution will not affect the payment rate.)

Amended by R.1998 d.42, effective January 20, 1998.
See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).
Administrative change.
See: 30 N.J.R. 2090(a).
Administrative change.
See: 31 N.J.R. 873(a).
Administrative change.
See: 32 N.J.R. 1395(a).
Special amendment, R.2000 d.392, effective September 1, 2000 (to expire March 1, 2001).
See: 32 N.J.R. 3615(a).
In (a)3, changed N.J.A.C. reference.
Amended by R.2001 d.42, effective December 27, 2000.
See: 32 N.J.R. 3615(a), 33 N.J.R. 564(a).
In (a)3, changed N.J.A.C. reference.
Public Notice: WFNJ/GA Rate in Residential Health Care Facilities.
See: 33 N.J.R. 2217(a).
Administrative change.
See: 34 N.J.R. 1749(a).
Administrative change.
See: 35 N.J.R. 1669(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 (a)3, amended N.J.A.C. reference.
Administrative change.
See: 36 N.J.R. 2481(a).
Administrative change.
See: 37 N.J.R. 2020(a).
Administrative change.
See: 39 N.J.R. 781(a).
Administrative change.
See: 40 N.J.R. 4818(a).
Administrative change.
See: 41 N.J.R. 2014(a).
Amended by R.2011 d.078, effective March 7, 2011.
See: 42 N.J.R. 2561(b), 43 N.J.R. 630(a).
Deleted former (a)3; and recodified former (a)4 as (a)3.
Administrative change.
See: 44 N.J.R. 669(b).

10:90-3.18 Treatment of lump sum income WFNJ TANF/GA

(a) Lump sum income includes, but is not limited to, payments in the nature of a windfall such as inheritances, lottery, casino and racetrack winnings; RSDI, Railroad Retirement, Veterans and Worker's Compensation retroactive awards; and personal injury awards.

1. Nonrecurring lump sum income will be subject to repayment of past assistance (including emergency assistance) in accordance with the agreement to repay except as noted in (a)1i below (see N.J.A.C. 10:90-7.8 regarding agreement to repay provisions); after the agreement to repay is satisfied, any remaining amount of the lump sum income shall be considered in determining the period of WFNJ ineligibility.

i. RSDI, Railroad Retirement, Worker's Compensation, Veteran's Administration benefits, and temporary disability benefits are exempted by law from the repayment process. However, lump sum payments from these sources are subject to the lump sum regulations in (c) through (e) below.

2. SSI payments shall not be subject to lump sum repayment rules for WFNJ/TANF recipients (see (a)2i below for WFNJ/GA recipients).

i. For WFNJ/GA recipients, retroactive SSI payments are subject to repayment in accordance with WFNJ/GA fiscal provisions at N.J.A.C. 10:90-14.5.

(b) The recipient shall notify the county or municipal agency within 10 calendar days of the receipt of a lump sum income.

(c) When a recipient receives nonrecurring earned or unearned lump sum income, the extent it is not earmarked and used for the purpose for which it was paid (for example,

moneys for back medical bills resulting from accidents or injury, funeral and burial costs, replacement or repair of resources, and so forth), that income shall be used to repay assistance granted in accordance with the agreement to repay. After the agreement to repay is satisfied, any lump sum remaining will be added together with all other countable income received that month by the eligible assistance unit after application of the appropriate disregards in N.J.A.C. 10:90-3.8.

1. An allowance may be made to disregard a portion of the remaining lump sum money that may be spent to purchase items that are integral in promoting self-sufficiency, such as the purchase of a first vehicle, vehicle repairs or essential household items.

2. Effective April 2, 1997, if assistance payments (including emergency assistance) are repaid to a county or municipal agency, in accordance with the agreement to repay, the months of assistance for which cash payments were repaid shall not count toward a recipient's five year time limit on receipt of public assistance.

(d) When the total remaining lump sum income (for either a WFNJ/TANF or WFNJ/GA case) exceeds 200 percent of the WFNJ/TANF maximum payment level for the appropriate eligible assistance unit size as set forth in Schedule VI below, the assistance unit will be ineligible for WFNJ for the number of full months derived by dividing this total income by the payment level applicable to the eligible assistance unit size in Schedule VI.

1. Schedule VI shall also be used for alien sponsor-income deeming as set forth in N.J.A.C. 10:90-3.15.

WFNJ/TANF and WFNJ/GA Schedule VI

Number in Eligible Unit	200% of WFNJ/TANF Payment Level
1	$ 324
2	644
3	848
4	976
5	1104
6	1232
7	1354
8	1456
More than 8	Add $100.00 each person

(e) For purposes of determining the period of ineligibility, the WFNJ assistance unit and any other individual (such as a stepparent) whose lump sum income caused the assistance unit's income to exceed the allowance standard shall be included in such determination.

1. The period of ineligibility shall begin in the first month subsequent to the month the nonrecurring income is received or, if there is insufficient time for a timely adverse action notice, the following month.

2. In the event the nonrecurring income is not reported timely, the period of ineligibility shall begin at the point the ineligibility would have occurred had the county or municipal agency had knowledge of its receipt. The amount of overpayment for the period of ineligibility must be established and recovery made.

3. The period of ineligibility applies to each individual in the eligible assistance unit at the time of receipt of the lump sum nonrecurring income.

4. Once established, the period of ineligibility may be recalculated/ reduced only if the lump sum income used to determine such period becomes unavailable to the eligible assistance unit for reasons beyond the control of the assistance unit members. It is the responsibility of the former eligible assistance unit to provide all necessary information and documentation required to make a determination to shorten the period of ineligibility. The basis for a determination to shorten the period of ineligibility shall be thoroughly documented in the case record. Acceptable reasons include, but are not limited to, those below:

i. Allegation of loss or theft of part or all of the lump sum, including circumstances where a member of the former eligible assistance unit has absconded with the funds.

(1) The former eligible assistance unit shall thoroughly substantiate an allegation of loss or theft of income and must provide the county or municipal agency with evidence that a police report of an incident of theft has been filed. Upon receipt of credible evidence of loss or theft of the income the county agency shall reduce the amount of the original lump sum by the amount of the loss or theft;

ii. The former eligible assistance unit incurs and pays verifiable expenses due to an emergent situation, for which, had the assistance unit been eligible, emergency assistance would have been authorized under N.J.A.C. 10:90-6. Upon receipt of credible verification of those expenses, the county or municipal agency shall reduce the amount of the original lump sum;

iii. The assistance unit incurs, becomes responsible for, and pays medical expenses during the period of ineligibility; or

iv. Other circumstances, with the provision of appropriate verification, as approved by the DFD.

Amended by R.1998 d.42, effective January 20, 1998.
See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).
In (d), inserted "(for either a WFNJ/TANF or WFNJ/GA case)" following "income".
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 1 and added i.
Amended by R.2011 d.078, effective March 7, 2011.
See: 42 N.J.R. 2561(b), 43 N.J.R. 630(a).
In (c)1, deleted "(up to the resource allowed for such vehicle in these rules at N.J.A.C. 10:90-3.20)" following the first occurrence of "vehicle".