

1. The enforceable affidavit is a contract between the sponsor and the U.S. Government that requires the sponsor to maintain the immigrant at 125 percent of the Federal Poverty Level until the sponsor dies, the immigrant becomes a citizen, or the immigrant obtains credit for 40 qualifying quarters of work and becomes an otherwise eligible alien.

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

In (a), inserted reference to Form I-134 and "(except as noted in (j) below)"; added (j).

10:90-3.16 Deeming income of parents of adolescent parents

(a) An adolescent parent is an individual under the age of 18 and who is himself or herself a parent of a dependent child.

(b) Whether or not an adolescent parent lives in the same home as his or her own parent(s), the income of such parent(s) shall be deemed available to the eligible assistance unit; however, inability to obtain financial information of such parent(s) shall not preclude eligibility of the adolescent parent. These rules do not apply if the parent(s) of the adolescent parent receive(s) SSI or WFNJ. Deeming under this provision shall be in accordance with the following procedures:

1. Reduce the gross earned income (and net income from self-employment) of each employed parent by the 50 percent disregard as specified at N.J.A.C. 10:90-3.8;
2. Add the result to the unearned income of the parent(s);
3. Any income remaining shall be reduced by any amounts paid by the parent(s) as spousal support or child support to individuals not living in the household; and
4. All income remaining shall be counted as unearned income available to the eligible unit and shall be counted toward total income and in the determination of financial eligibility and the cash assistance benefit amount.

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

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:

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 (\$714.05), including a personal allowance, shall not exceed the rate approved by the New Jersey Department of 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. See N.J.A.C. 10:90-13.4 regarding care in nursing facilities.

4. 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).

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 (up to the resource allowed for such vehicle in these rules at N.J.A.C. 10:90-3.20), 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: