

CHAPTER 90

WORK FIRST NEW JERSEY PROGRAM

Authority

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

Source and Effective Date

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

Chapter Expiration Date

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

Chapter Historical Note

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 Chapter 90, The Handbook for Home Services Program, was repealed by R.1980 d.208, effective May 9, 1980.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

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

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

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

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

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

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

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

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 As a part of R.2003 d.226, Subchapter 18, Essex/Atlantic Substance Abuse Research Demonstration, was repealed and Subchapter 18, Substance Abuse, and Subchapter 20, The Family Violence Option Initiative, were adopted as new rules, effective June 16, 2003.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

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

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

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

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

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

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

(g) A Commissioner's pilot project is established to grant a recipient who otherwise qualifies for temporary rental assistance or transitional housing benefits with 12 months of emergency assistance benefits, plus any appropriate EA extensions if eligible, without regard to months of EA previously received.

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

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

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

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

10:90-6.5 Recipient contribution

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

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

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

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

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

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

i. Example (65 percent EA contribution required when shelter provides meals): In this situation the WFNJ recipient is obligated to pay an EA contribution of 65 percent of available income toward the cost of temporary housing. The shelter requires an out-of-pocket shelter payment of 30 percent. The agency reduces the 65 percent by the 30 percent being charged for the out-of-pocket payment and uses the resulting 35 percent to calculate the recipient's EA contribution.

ii. Example (50 percent EA contribution required when meals are not provided): In this situation the WFNJ recipient is obligated to pay an EA contribution of 50 percent of available income toward the cost of temporary housing. The shelter requires an out-of-

pocket shelter payment of 30 percent. The agency reduces the EA contribution 50 percent by the 30 percent for the out-of-pocket payment and uses the resulting 20 percent to calculate the recipient's EA contribution.

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

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

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

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

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

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

10:90-6.6 Recipient/agency responsibilities

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

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

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

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

ii. Provision of the following specified services:

(1) Information;

(2) Referral;

(3) Assistance in securing shelter, including transportation;

(4) Assistance in arranging for child care; and

(5) Referral for legal services;

iii. Referral to affordable housing (if known) as well as referral to and/or application for other available benefits or services.

2. The county or municipal agency shall monitor compliance with the service plan at least quarterly.

3. The county or municipal agency shall reevaluate and/or revise the service plan as warranted by changes in the recipient's shelter needs and/or other pertinent circumstances.

i. When emergency assistance has been extended beyond the 12-month maximum found at N.J.A.C. 10:90-6.4(a) above for either an initial period of six months or a second period of six months (applicable to WFNJ/TANF recipients only), the service plan must be revised in order to address the special circumstances which have contributed to the hardship which caused the extension.

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

Deleted (a)iv.

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

In (a)1, added the third sentence in the introductory paragraph.

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

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

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

10:90-6.7 Payment for emergency shelter

(a) The county or municipal agency shall issue payment for emergency housing provided in hotels and motels in accordance with the schedule of per diem rates as follows:

| <u>Emergency Assistance amounts per day</u> | |
|---|----------|
| 1 Person/1 room | \$ 50.00 |
| 2 Persons/1 room | \$ 60.00 |
| 3 Persons/1 room | \$ 75.00 |
| 4 Persons/1 room | \$ 75.00 |
| 4 Persons/2 rooms | \$105.00 |
| 5 Persons/1 room | \$ 85.00 |
| 5 Persons/2 rooms | \$105.00 |

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

In (a), substituted “housing provided in hotels and motels” for “shelter”; inserted per diem rates; and deleted (b).

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

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

In the schedule of per diem rates, increased payments for emergency housing.

10:90-6.8 Intercounty/municipality transfer of EA cases

(a) Whenever a single adult, a couple without dependent children or a family with dependent children requiring the provision of EA benefits moves from one county or municipality (WFNJ/GA only) to another, the following provisions shall apply:

1. When county or municipality of origin (that is, the county or municipality that granted the emergency assistance benefit) places the individual or family in out-of-county/municipality temporary emergency housing, the county/municipality of origin shall retain financial responsibility for the shelter payments, regular assistance payments and issuance of food stamp benefits, if applicable, as well as other monitoring functions until the homelessness is resolved or permanent housing is obtained. If mutually agreed upon by the two counties or municipalities, the new county or municipality of residence may assume full responsibility for administration of the case,

provided transfer requirements promulgated by DFD have been fulfilled.

2. When an EA recipient determined appropriate to receive TRA benefits moves to permanent housing in another county/municipality, with or without county or municipal agency intercession, the new county or municipality of residence shall assume responsibility for the TRA benefits, EA case management, WFNJ case management and cash assistance benefits provided the client remains eligible for EA payments after the recipient makes application for services in the new county/municipality, and pursuant to transfer requirements at N.J.A.C. 10:90-7.

3. When an EA recipient residing in one county or municipality voluntarily takes up residence in another county or municipality, without county or municipal agency intercession, the new county or municipality of residence shall assume responsibility provided the client remains eligible for EA payments, as well as all other monitoring requirements, including any cash assistance benefits, pursuant to transfer requirements promulgated by DFD. The recipient must apply for cash assistance in the new county or municipality and for food stamps in the new county. The time requirements for such transfers as found at N.J.A.C. 10:90-7 shall apply.

4. When a WFNJ recipient voluntarily moves from one county or municipality to another, with or without county or municipal agency intercession, and a subsequent change in circumstances results in the need for EA, the new county or municipality of residence shall immediately assume responsibility to determine eligibility for EA payments, as well as all other monitoring functions, pursuant to case transfer provisions at N.J.A.C. 10:90-7.

5. Any case transfer management disputes which cannot be resolved locally shall be referred to DFD to determine which county or municipal agency has responsibility for administration of the case. The decision of DFD shall be considered final and binding upon all parties involved.

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

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

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

In (a), inserted “temporary” before “emergency housing” in the first sentence of 1, added 2, recodified existing 2 through 4 as 3 through 5.

10:90-6.9 (Reserved)

Emergency New Rule, R.1998 d.363, effective June 24, 1998 (to expire August 23, 1998).

See: 30 N.J.R. 2778(a).

Adopted concurrent proposal, R.1998 d.476, effective August 21, 1998.

See: 30 N.J.R. 2778(a), 30 N.J.R. 3550(b).

Readopted the provisions of R.1998 d.363 without change.

Repealed by R.2000 d.369, effective September 18, 2000 (operative October 1, 2000).

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

Section was “Commissioner’s pilot project for WFNJ/GA emergency assistance extensions”.

10:90-6.10 Commissioner's Long Term Support Program (LTSP) pilot project for emergency assistance extensions

(a) This pilot project is established pursuant to P.L. 1997, c.14, § 10 (Work First New Jersey Act), approved January 29, 1997, wherein the Commissioner of the Department of Human Services is authorized to waive compliance with the requirements of the Work First New Jersey (WFNJ) program to the extent the Commissioner deems it necessary to conduct experimental, pilot, or demonstration projects which are likely to help promote the objectives of the WFNJ program. This section expands upon the provisions governing the granting of extensions of Emergency Assistance (EA) to recipients of WFNJ/General Assistance (GA) EA as found at N.J.A.C. 10:90-6.4(c), WFNJ/Temporary Assistance for Needy Families (TANF), and Federal Supplemental Security Income (SSI) payments, as found at N.J.A.C. 10:90-6.4(d), provided such individuals continue to need EA and are otherwise eligible for EA in accordance with N.J.A.C. 10:90-6.1.

(b) The purpose of the Long Term Support Program (LTSP) is to provide intensive case management and housing referral services to WFNJ/TANF/GA and SSIEA recipients. A comprehensive service plan will be developed for each LTSP participant. The LTSP shall assess each recipient's needs for physical health services, mental health services, transportation needs, more affordable and more permanent housing, financial management, AIDS treatment, substance abuse problems, and other specialized services. The LTSP shall identify EA recipients who possibly are eligible to apply for SSI benefits. Once those needs are identified, the LTSP shall refer the individual to the appropriate agencies and services. The LTSP is effective on October 1, 2002, and intake for the LTSP shall cease on October 1, 2005.

(c) Under the LTSP, the following individuals shall be eligible to apply for an EA extension of up to 36 cumulative months: those WFNJ/TANF/GA and SSI recipients who have received EA payments for 12 cumulative months (WFNJ/TANF/GA or SSI) under N.J.A.C. 10:90-6.4(a); or who have received EA payments for 18 cumulative months (WFNJ/TANF or SSI) under N.J.A.C. 10:90-6.4(d); or who are about to lose eligibility for EA due to the expiration of the six-month 10 percent cap on WFNJ/TANF/GA/EA extensions under N.J.A.C. 10:90-6.4(c) or (d)2; or who have received EA payments for 12 cumulative months under N.J.A.C. 10:90-6.4(e). EA recipients shall have their application for LTSP assistance processed before processing an application for EA under the 10-percent capped hardship extension (N.J.A.C. 10:90-6.4(c) or (d)2).

1. All individuals enumerated in (c) above shall receive extended EA benefits for the month of October 2002, pending agency action on their application for an EA extension under the LTSP, provided that they continue to need EA; remain otherwise eligible for EA; and are in receipt of EA during the month of September 2002.

2. Continued eligibility for the LTSP shall be reviewed at least once every three months.

(d) A WFNJ/TANF/GA or SSI recipient shall be eligible to receive LTSP benefits when the WFNJ/TANF/GA recipient who is about to lose EA benefits meets one or more of the following criteria:

1. There is documentation of long-term medical or psychological problems, which indicates that the individual is unlikely to ever secure and/or maintain employment. The documentation must be for a period of at least two years and shall consist of at least one approved Form WFNJ-MED-1, Examination Report, along with actual medical/psychological evidence that was submitted during the two-year period;

2. There is independent documentation of a history of clinical/medical diagnosis that the individual is mentally and/or physically incapable of self-care, resulting in serious actual or potential harm to the individual. Documentation may include, for example, an approved Form WFNJ-MED-1, actual medical/psychological evidence, or records of hospitalization;

3. There is documentation of current participation in a substance abuse treatment program, including prescribed related aftercare. (Upon completion of a substance abuse program, including any prescribed follow-up plan for the individual, the individual shall be reevaluated to determine whether continued eligibility for EA exists). Documentation may include, for example, a copy of a completed Form WFNJ-90, Work First New Jersey Drug Treatment Report Form, or copies of attendance records/verification forms from the substance abuse treatment center;

4. There is documentation of a history of mental and/or physical inability to take care of oneself, resulting in serious potential or actual harm to the individual based on agency observation as documented in the case file. Documentation may be provided from the case record, worker's observations supported by a Form WFNJ-6, Work First New Jersey Medical-Social Information Report and/or verification from Community-Based Organizations regarding the individual's mental and/or physical incapacity;

5. There is documentation of a history of recurrent inpatient hospital care or institutionalization due to a clinically/medically diagnosed chronic medical/psychological condition, which renders the individual functionally incapacitated;

6. The individual is age 60 or above. The individual shall be required to apply for other benefits for which they may be potentially eligible, such as Retirement, Survivors and Disability Insurance (RSDI) or SSI;

7. The individual has been diagnosed as HIV positive with symptoms, or has active AIDS, or is terminally ill and unable to perform activities of daily living; or