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SUBCHAPTER 1. GENERAL PROVISIONS

10:90-1.1 Purpose, philosophy and scope of the WFNJ program

(a) The Work First New Jersey (WFNJ) program has been established to transform the design and purpose of the

welfare system in New Jersey. For the first time, one comprehensive program has been created by the Legislature and the Governor to uniformly both inspire and require all able-bodied families with dependent children, single adults and couples without dependent children to WORK rather than receive welfare. WFNJ builds and expands upon the foundation of the basic principles set forth in the Federal Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, Public Law 104-193. The Act established the Temporary Assistance for Needy Families (TANF) block grant program which ended the Aid to Families with Dependent Children program and established the WFNJ Program pursuant to the Work First New Jersey Act, Public Law 1997 c.13, c.14, c.37 and c.38.

(b) WFNJ, building upon the base of our former State and Federally funded Aid to Families with Dependent Children (AFDC) program and our State funded General Assistance (GA) program, creates one WFNJ program. However, due to certain necessary differences in the requirements and the responsibilities entailed in being a single adult, a couple without dependent children or a single adult or couple with dependent children, the WFNJ program recognizes two segments which, for ease of reference and clarity throughout this manual are referred to as either the WFNJ/TANF component, which encompasses families with children whether headed by a single adult or a couple, and the WFNJ/GA component, which encompasses single adults and couples without dependent children.

(c) The WFNJ Program is designed specifically to emphasize personal responsibility, instill dignity, promote self-sufficiency and pride through work and strongly reinforce all parents' responsibility for their child(ren) through strict enforcement of child support requirements. WFNJ clearly recognizes that both parents of a child(ren), whether or not they are the custodial caretakers of these children share fully and equally in the responsibility for the financial support of the child(ren), as well as all the positive developmental aspects which occur throughout childhood. All adults have primary responsibility for supporting both themselves and their families.

(d) Assistance benefits provided under WFNJ are time-limited and considered a temporary cash subsidy to bridge the gap while individuals seek and obtain self-sufficiency through bona fide unsubsidized employment. Applicants shall be informed that receipt of WFNJ assistance benefits is limited to a lifetime maximum of 60 cumulative months and that seeking and accepting employment are the primary requirements for receipt of continuing cash assistance.

(e) The applicant(s) and/or his or her designee shall be assisted by the WFNJ worker in completing the Application and Affidavit for WFNJ and the Agreement to Repay pursuant to N.J.S.A. 44:10-64. The applicant shall be given the WFNJ Participant Handbook, an information card concerning the "Fair Hearings in the Work First New Jersey Program (WFNJ)", and written notification of his or her rights and responsibilities under the WFNJ program.

(f) In line with protecting its most vulnerable citizens, it should be emphasized that the WFNJ Program has availed itself of the PRWORA option regarding protections for victims of Family Violence. PRWORA and WFNJ provide the flexibility to uniquely address the specific problems of victims of family violence, as well as victims of rape and incest (see N.J.A.C. 10:90-20 regarding family violence provisions).

(g) The purpose of this chapter is to establish the policies necessary for the orderly and equitable provision of WFNJ Program benefits to single adults, couples without dependent children and families with dependent children on a Statewide basis. The policies and procedures are binding on the county or municipal agency charged with the responsibility for administering the WFNJ Program and are enforceable by the Department of Human Services (DHS), Division of Family Development (DFD). The DHS shall oversee the actions of the county or municipal agency as they relate to program administration and shall coordinate with other departments within the State of New Jersey in an effort to establish the necessary linkages to assist recipients of WFNJ to achieve social and economic self-sufficiency. Questions of interpretation shall be resolved by the Division of Family Development. If any rules herein contradict or conflict with rules or policies established at N.J.A.C. 10:81, 10:82 or 10:86 such material is superseded by this chapter.

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).

Rewrote (e) and (f).

10:90-1.2 Opportunity and decision to apply

(a) Any person who believes he or she is eligible for WFNJ assistance must be given the opportunity to apply without delay. Applicants shall be informed about the eligibility requirements and their rights and obligations in applying for and receiving assistance. The decision to apply rests with the person. The applicant has the right to withdraw the application before eligibility or ineligibility has been determined.

(b) The application process begins with the initial contact by a member of the assistance unit with the designated county or municipal agency and ends with a decision by that agency as to the eligibility of the assistance unit for WFNJ benefits. Both the applicant and the county or municipal agency have a responsibility to verify and document eligibility.

(c) Initial contact may be an inquiry, a referral or an application:

1. Inquiry means any request for information about assistance programs which is not a request for an application. A record is necessary only when the inquiry requires follow-up action.

agencies shall ensure that the application be processed that day in order to provide a cash assistance benefit.

i. In cases of immediate need, where the CSP interview and/or work registration requirement cannot be completed on the day of application, the application process is to continue with the applicant being provided an appointment to return to the agency to comply with the CSP interview and/or the work registration requirement.

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

Added 2 and 2i.

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), added the first sentence in the introductory paragraph and inserted "immediately" preceding "available" and "or if the applicant expresses a need for emergency assistance," following "assistance unit," in 2.

Amended by R.2008 d.324, effective November 3, 2008.
See: 40 N.J.R. 2188(a), 40 N.J.R. 6459(a).

In (a)1 and (a)2, substituted "a cash assistance benefit" for "cash assistance"; and in (a)1, substituted "is a imminent risk of losing" for "imminently lacks" and deleted "such monies" following "but".

10:90-1.4 Notice and information to client

(a) If immediate need is not apparent and a decision of approval or disapproval is not reached within 30 days of application, the county/ municipal agency shall notify the applicant in writing of this fact and the reason for the delay (see N.J.A.C. 10:90-9). When a decision is reached, the applicant shall be notified in writing of this decision (approved or disapproved). If a county/municipal agency does not take action to approve or deny the application through no fault of the applicant then the agency shall act on the application in accordance with immediate need provisions at N.J.A.C. 10:90-1.3(a)1.

1. When the county/municipal agency has failed to take action to approve or deny the application through no fault of the applicant within 25 days of the date of application, the county/municipal agency shall send a notice to the client scheduling an interview within five days in order to determine if the applicant is in an immediate need situation and to make an appropriate determination as to the applicant's eligibility for WFNJ.

(b) In cases of family violence, rape or incest, corroboration shall not be sought from the perpetrator of the rape or incest or from the perpetrator of family violence so that any further risk of harm to the victim is not heightened in accordance with the intent of N.J.S.A. 2C:25-18 et seq.

(c) The client will also be advised in writing that if he or she is dissatisfied with any adverse action or inaction of the county/municipal agency, he or she may request a hearing. He or she shall be informed of the steps that are to be followed in making such a request (see N.J.A.C. 10:90-9).

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

Added (a)1.

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 "family" for "domestic" throughout.

10:90-1.5 Prompt disposition by the county or municipal agency

Persons shall be given the opportunity to comply with the eligibility requirements and apply for WFNJ benefits without delay. Staff of the county or municipal agency shall accept, process and recommend action on applications for assistance within 30 days. If the applicant is eligible, payment shall be issued as soon as eligibility is established. The county or municipal agency shall act promptly and timely on applications as long as the WFNJ participant is eligible for assistance and is complying with program requirements. Failure of the county or municipal agency to act promptly and timely shall not be a basis for denying or delaying the issuance of benefits. The county and municipal agency shall also act promptly and timely on redetermining eligibility, but failure of the county or municipal agency to act promptly and timely shall not be a basis for delay in granting assistance.

10:90-1.6 Primary source of information

(a) Applicants and recipients are in all instances the primary source of information about themselves and their families. It is the responsibility of the county or municipal agency to determine eligibility and, as necessary, to secure verification from secondary sources. The applicant will be informed that the county or municipal agency needs to document the facts regarding certain eligibility criteria and that this process will include contacting collateral sources as necessary.

1. Public records are preferred evidence and use of these sources shall be exhausted before other sources are used.

2. Sources of collateral evidence to establish eligibility may include, as appropriate, but are not limited to, the following:

i. Birth, death and marriage certificates, records from religious institutions, immigration and naturalization papers, census records, school records, military service records, court records, employment records, records of public or private welfare agencies, voting records, medical records, personal records, and affidavits from knowledgeable persons. Whenever possible, the WFNJ worker shall assist the applicant in securing these documents, or shall verify such information through interagency contacts.

ii. The use of an affidavit is not sufficient to verify immigration status under WFNJ. Immigration status must be verified through the Federal Office of Homeland Security.

iii. In cases where paternity has not been established and an affidavit is the only available verification of a

blood relationship, the applicant shall start adjudication proceedings within 30 days to maintain eligibility. In such cases, the use of an affidavit is sufficient to verify a blood relationship under WFNJ only until adjudication has occurred.

(b) Only evidence to corroborate facts essential to eligibility shall be sought. In determining the relative validity of the above sources of evidence in (a) above, the county or municipal agency shall bear in mind the type and source of document.

(c) While it is usually desirable to obtain evidence in written form, personal inspection of records by the agency personnel, where permission can be secured, is an acceptable practice and is often quicker and simpler.

(d) In situations concerning family violence, rape or incest, documentation shall be obtained from the person(s) who has factual knowledge of the relevant circumstances through the use of an affidavit. At no time shall documentation be sought from the perpetrator of the rape or incest or from the perpetrator of family violence in accordance with the intent of N.J.S.A. 2C:25-18 et seq.

(e) With respect to "enumeration at birth," for WFNJ/TANF clients, the county agency shall request proof of receipt of the Social Security number (SSN) after six months from the child's birth have lapsed or at time of the recipient's next redetermination, whichever occurs first.

(f) At the time of application, the WFNJ worker shall provide the applicant with a written list of the verification needed to determine eligibility. The WFNJ worker shall review this list with the applicant and shall inform the applicant that the worker will, whenever possible, assist the applicant in obtaining documentation. The WFNJ worker shall take appropriate action and/or provide appropriate direction to the applicant to assure that all relevant documentation is promptly obtained. The WFNJ worker shall assist the applicant in obtaining verification documentation, whenever necessary.

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) 2i, deleted "church" and inserted "from religious institutions"; and in (d) deleted "abusive partner or ex-partner of a victim" and inserted "perpetrator".

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)2i, added a second sentence; in (d), substituted "family" for "domestic" throughout; and in (f), added the first two sentences.

Amended by R.2008 d.324, effective November 3, 2008.

See: 40 N.J.R. 2188(a), 40 N.J.R. 6459(a).

Added (a)2ii and (a)2iii.

10:90-1.7 Nondiscrimination

(a) There shall be no discrimination on grounds of race, creed, color, religion, ancestry, age, sex, national origin, marital, parental, familial or birth status, affectional or sexual orientation, liability for service in the Armed Forces of the

United States, nationality or handicap/disability, in accordance with all discrimination laws, including, but not limited to, State and Federal provisions in (b) through (k) below, by the State or the county or municipal agency in the administration of any public assistance program.

(b) The New Jersey Legislature has declared that practices of discrimination against any of its inhabitants, because of race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, marital status, familial status, handicap, liability for service in the Armed Forces of the United States, or nationality are matters of concern to the government of the State, and that such discrimination threatens not only the rights and proper privileges of the inhabitants of the State but menaces the institutions and foundation of a free democratic State; provided, however, that nothing in this expression of policy prevents the making of legitimate distinctions between citizens and aliens when required by Federal law or otherwise necessary to promote the national interest.

(c) All persons shall have the opportunity to obtain employment, and to obtain all the accommodations, advantages, facilities, and privileges of any place of public accommodation, publicly assisted housing accommodation, and other real property without discrimination because of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, or sex, subject only to conditions and limitations applicable alike to all persons. This opportunity is recognized as and declared to be a civil right. Additionally, this also shall be construed to prohibit any unlawful discrimination against any person because such person is or has been at any time handicapped or any unlawful employment practice against such person, unless the nature and extent of the handicap reasonably precludes the performance of the particular employment.

(d) In general, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any public assistance program receiving Federal assistance. The Department of Human Services, Division of Family Development or any political subdivisions of the State, or an instrumentality of any state or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any state, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, shall not engage in specific discriminatory actions, directly or through contractual or other arrangements, as follows:

1. Deny an individual any service, financial aid, or other benefit provided under the program;
2. Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the same program;

3. Subject an individual to segregation or separate treatment in any manner related to his or her receipt of any service, financial aid, or other benefit under the program;

4. Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving the same service, financial aid or benefit under the program;

5. Treat an individual differently from others in determining whether he or she satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;

6. Deny an individual an opportunity to participate in the program through the provision of services or otherwise, or afford him or her an opportunity to do so which is different from that afforded others under the program; or

7. Deny a person an opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

(e) Additionally, the Department of Human Services, Division of Family Development or any other recipient to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, directly or through contractual or other arrangements, may not utilize criteria or methods of administration or determine a site location which will have the effect of subjecting individuals to discrimination or have the effect of defeating or substantially impairing accomplishment of the objectives of the program. Where the

primary objective of the program is to provide employment, a recipient may not directly or through contractual or other arrangements, subject an individual to discrimination in its employment practices, including recruitment, advertising, employment, layoff, or termination, upgrading, demotion or transfer, rates of pay or other forms of compensation, and use of facilities.

(f) The U.S. Department of Health and Human Services, Office for Civil Rights (OCR) provides in its official guidance on Limited English Proficiency (LEP), OCR Guidance, August 29, 2000, and April 12, 2002, that all recipients of Federal financial assistance, such as State and local agencies, private institutions or organizations, or any public or private individual in health or social services, must ensure that LEP persons are given meaningful opportunities to participate in their programs, services and benefits. Where such language differences prevent meaningful access on the basis of national origin, the law requires that recipient agencies provide oral and written language assistance at no cost to the LEP person. Meaningful access for an LEP person is established by ensuring that the relevant circumstances of the LEP person's situation can be effectively communicated to the service provider and the LEP person is able to understand the services and benefits available and is able to receive those services and benefits for which he or she is eligible in a timely manner. The Office for Civil Rights assesses compliance on a case by case basis, taking into consideration the size of the recipient agency, the size of the eligible LEP population it serves, the nature of the program or service, the objectives of the program, the total resources, the frequency with which languages are encountered and the frequency with which LEP persons come into contact with the program.

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.

10:90-3.19 Exempt income

(a) Exempt income is not considered in determining eligibility for assistance or in computing the amount of WFNJ cash assistance payments. The following sources of income shall be exempt:

1. Up to the first \$100.00 of child support received;
 2. Income tax refunds;
 3. Homestead property tax rebates;
 4. Earned income credit (EIC) payments;
 5. Unearned income (including moneys to offset training expenses) received by a WFNJ dependent child through the Job Training Partnership Act (JTPA);
 6. Earned income received through the JTPA by a WFNJ dependent child;
 7. Allowance payments to offset expenses related to training received by any WFNJ recipient who is participating in the JTPA program;
 8. The earned income of any middle or secondary school student in the eligible assistance unit;
- i. This income exemption applies to children who are full-time students up to the age of 18, or up to the age of 19 if they are expected to complete an educational program before reaching age 19; and children up to the age of 21, if they are enrolled in a special education program (see N.J.A.C. 10:90-2.7);
9. Any grant, scholarship, student loan or other financial aid received by an eligible child or eligible adult who is a student, including funds received through college work study programs, so long as the eligible child or eligible adult continues to attend school and meets the conditions under which such moneys are granted and complies with required WFNJ work requirements at N.J.A.C. 10:90-4;
 - i. During any period for which a child or adult who is a student receives a grant, scholarship or student loan under a Federal, State or other public or private program, he or she shall not be entitled to any allowances for expenses incident to training which are otherwise provided for through student financial aid. In other situations allowances shall be provided in accordance with the supportive services provisions at N.J.A.C. 10:90-5;
 10. SSI benefits for WFNJ/TANF;
 11. Income-in-kind or benefits received in the form of goods, services or via third party payments, rather than cash;
 12. Kinship Subsidy Program payments;
 13. Individual Development Accounts including matching contributions and interest;
 14. Supplemental Living Support (SLS) Program payments made to WFNJ TANF/GA families/individuals who have been determined to be exempt from the 60-month lifetime limit on assistance; and
 15. The following funds are considered as exempt income and are also identified as exempt resources designated for special purposes at N.J.A.C. 10:90-3.20(a)14:
 - i. Relocation adjustment payments which are made pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;
 - ii. The value of the coupon allotment for any household participating in the Food Stamp Program of the U.S. Department of Agriculture;
 - iii. Allowances for participation in the WFNJ program, including payments for transportation and related expenses set forth in the supportive services section at N.J.A.C. 10:90-5 and payments for child care;
 - iv. Allowance payments, that is, monies paid to offset expenses related to training received by a WFNJ parent or parent-person who is participating in the Job Training Partnership Act (JTPA) program;
 - v. Payments to assistance units for child care in situations where special circumstances occur within the

household (such as emergency illness of the parent(s)) that necessitate alternative care for a child on a temporary basis; and transportation or the cost of transportation, which is not available from any other source, to transport that child to and from the child care site when it is essential for the child's physical health and safety;

vi. Supplemental aid by other agencies or organizations, whether public or private, provided that:

(1) There is no duplication between such aid and the public assistance grant;

(2) Such aid is for a special purpose not within the function of the public assistance agency (for example, vocational rehabilitation); or

(3) Such aid is to any undergraduate student for educational purposes;

vii. Monies received through the Subsidized Adoption Program of the Division of Youth and Family Services pursuant to N.J.S.A. 30:4C-45 through 49 (P.L. 1973, c.81);

viii. Monies received on behalf of foster child care, including extra payments received for special services; and

ix. Funds received by applicants and recipients through certain Federal programs as delineated in (a)14ix(1) through (19) below:

(1) Funds distributed or held in trust for members of any Indian Tribe under Public Law 92-254 or 93-134;

(2) Funds which are tax-exempt portions of payments made pursuant to Public Law 92-03, the Alaska Native Claims Settlement Act;

(3) Benefits or assistance received through the WIC program (Special Supplemental Food program for Women, Infants and Children) and the special food services program for children under the National School Lunch Act as amended by Public Laws 92-433 and 93-150;

(4) Benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965 (42 U.S.C. §§ 3001 et seq.);

(5) Payments made through Service Corps of Retired Executives (SCORE), Active Corps of Executives (ACE);

(6) Payments made through the United States Department of Housing and Urban Development (HUD) Section 8, Rental Assistance Program (RAP), which provides funds to certain disabled individuals and low income families to assist them in meeting shelter costs;

(7) HUD community development block grant funds under Title I of the Housing and Community Development Act of 1974;

(8) Benefits received by eligible households under the Low Income Home Energy Assistance Act of 1981 pursuant to section 2605(f) of Public Law 97-35;

(9) Allowances and benefits under the National and Community Service Trust Act of 1993 (NCSTA) which established a Corporation for National and Community Service which administers national service programs, including the Americorps programs, the Senior Corps and Youth Corps programs; the Learn and Serve program and, the Volunteers in Service to America (VISTA) program;

(10) All student financial assistance received under Title IV of the Higher Education Act and under the Bureau of Indian Affairs student assistance programs;

(11) Student financial assistance made for attendance costs under the Carl D. Perkins Vocational Education Act Amendments of 1990;

(12) Restitution made, under Section 105 of Title I of P.L. 100-383, the Civil Liberties Act of 1988, to individuals of Japanese ancestry who were interned during World War II;

(13) Restitution made, under Section 206 of Title II of P.L. 100-383, the Aleutian and Pribilof Islands Restitution Act, to Aleuts who were relocated by the U.S. government during World War II;

(14) Major disaster and emergency assistance granted under Section 105 of P.L. 100-707, the Disaster Relief and Emergency Assistance Amendments of 1988, including FEMA;

(15) Agent Orange payments as provided for under Section 1(a) of P.L. 101-201 and Section 10405 of P.L. 101-239 of the Omnibus Budget Reconciliation Act of 1989;

(16) Amounts paid to individuals, under Section 6(h)(2) of P.L. 101-426, the Radiation Exposure Compensation Act of 1990, for injuries or deaths due to exposure to radiation from nuclear testing and uranium mining;

(17) Payments made to individuals because of their status as victims of Nazi persecution;

(18) Stipends received by individuals who participate in the New Jersey Youth Corps Stipends Program; and

(19) Certain payments made by the Department of Veterans Affairs to the natural children of female Vietnam veterans who served in the Republic of Vietnam from February 28, 1961 through May 7, 1975.

- ii. If an eligible assistance unit is overpaid for which the county agency receives child support collections, only that amount of assistance paid in excess of support payments received during the period of overpayment shall be considered for overpayment collection.
4. Liability for overpayment of assistance (including emergency assistance) is established jointly among the adult individual responsible for the overpayment, the overpaid adult members of the eligible assistance unit, the adult individual members of the eligible assistance unit and any eligible assistance unit of which an adult member of the overpaid eligible unit subsequently becomes a member.
5. Upon discovery of an overpayment, the county or municipal agency shall inform the client in writing of the incorrect payment(s), the amount of overpayment and what corrective actions will be taken.
6. Overpayment to an eligible unit which is currently receiving assistance (including adult recipients whose overpayment occurred during a prior period of eligibility) may be repaid in full by the eligible unit or in part wherein the assistance benefit amount may be reduced by 10 percent of the appropriate benefit allowance for the unit size, until recovery is completed.
- i. If, on a case by case basis, it is determined that, in the judgment of the county or municipal agency, the 10 percent reduction in the assistance benefit may be detrimental to the well-being of the assistance unit, a lesser rate of recovery shall be established, but not below a minimum rate of five percent.
- ii. If the benefit assistance amount is reduced to zero because of recovery, members of the eligible unit will continue to be considered recipients of WFNJ. If the amount payable because of recovery is less than \$10.00, the WFNJ check shall be issued in that lesser amount.
7. When a member of the eligible assistance unit is the individual responsible for the overpayment, the agency shall recover the overpayment from the adult members of that eligible unit.
8. If the individual responsible for the overpayment is no longer receiving assistance, the agency shall initiate court action against the responsible adult individual to recover the overpayment.
- i. If despite agency action, recovery is not completed through court action, the agency shall recover the overpayment in accordance with (a)10 below.
9. If the individual responsible for the overpayment is a member of another eligible unit, the agency shall recover the overpayment from the adult members of that unit.
10. In all other circumstances, the priority of recovery of overpayments shall be: the overpaid adult members of the eligible unit; any eligible unit of which an adult member of the overpaid eligible unit subsequently becomes a member; or any adult individual members of the overpaid eligible unit whether or not currently recipients.
11. Overpayment to an assistance unit, all members of which are no longer receiving WFNJ, shall be recovered by the county or municipal agency through a court of appropriate jurisdiction if the adult members of the assistance unit do not voluntarily repay the overpayment.
- i. Where the overpayment amount owed by an assistance unit no longer receiving WFNJ is less than \$100.00, or it is determined that, after reasonable effort to recover the overpayment, it is no longer cost effective to continue recovery efforts, the county or municipal agency may waive recovery of the overpayment. All circumstances concerning a waiver of recovery must be fully documented in the case record.
- ii. Recovery of overpayments due to fraud or Intentional Program Violation (IPV) (see N.J.A.C. 10:90-11) shall not be waived regardless of the amount of overpayment.
12. The county or municipal agency must take one of the following three actions by the end of the quarter following the quarter in which the overpayment is first identified:
- i. Recover the overpayment(s);
- ii. Initiate action to locate and/or recover the overpayment(s) from a former adult recipient; or
- iii. Execute a recovery agreement from a current adult recipient's grant or income/resources.
13. In all situations of overpayments, the facts and circumstances in each case shall be evaluated and, where indicated, action taken as appropriate in accordance with regulations pertaining to fraudulent receipt of assistance (see N.J.A.C. 10:90-11).
- (b) Underpayment means a financial assistance payment received by or for an eligible assistance unit for the payment month which is less than the amount for which the unit was eligible, or failure by the county or municipal agency to issue a financial assistance payment for the payment month to an eligible assistance unit if such payment should have been issued. Upon discovery of an underpayment, the county or municipal agency shall determine the amount underpaid and proceed as follows:
1. When underpayment was due to failure of a member of the eligible assistance unit to provide appropriate information, the next regular payment shall reflect the corrected grant amount for that payment period and the amount necessary to correct the payment for the period immediately preceding.
2. When underpayment was due exclusively to administrative error by the agency, corrective payment shall be made, retroactive to the month the administrative error first occurred, within the 12 months immediately preceding the discovery of the underpayment.
- i. Such retroactive adjustment shall be made as an additional payment as promptly as possible but in no event later than the time of the next regular payment.

ii. For purposes of determining continuing eligibility or the amount of assistance, retroactive corrective payments shall not be considered as income or resources to the eligible assistance unit either in the month paid or in the following month(s).

(c) No adjustments in the grant other than those recognized in this section are authorized to account for the overpayment or underpayment.

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

Inserted references to adults throughout.

10:90-3.22 WFNJ TANF/GA case redetermination process

(a) Case redetermination is a review of the factors affecting WFNJ TANF/GA eligibility and payment amount. At the time of redetermination, the recipient shall execute a formal application for continuation for assistance. If a redetermination is not conducted and the county/municipal agency is responsible, the right of the client to continued assistance shall not be jeopardized.

1. WFNJ/TANF cases shall be redetermined at least every six months.

2. WFNJ/GA cases shall be redetermined at least every six months. A monthly review of eligibility may also be conducted in accordance with (a)2i below.

i. The eligibility of each WFNJ/GA case may be reviewed at least once each calendar month. The Form WFNJ/GA-19, Authorization and Case Review Card, shall be utilized during the review. This review provides an opportunity for the agency administering the WFNJ/GA program to evaluate any change in the client's circumstances or income and make appropriate adjustments on Form WFNJ/GA-19 in the amount of assistance to be granted.

(b) WFNJ recipients shall be personally interviewed by the WFNJ worker regarding the application for continuation of assistance. The WFNJ worker shall assist the recipient as necessary. If the recipient cannot read, the contents of the form shall be read to the recipient. Upon request, the recipient will be given a copy of his or her executed application form, with any attachments. Signature requirements shall be the same as for initial application. The contact shall focus on a discussion of the eligibility factors which are subject to change (with special attention being given to any change in residence which may affect county/municipal responsibility and age of the youngest child and school attendance) and shall include information about any change in agency policy or procedure which affects the recipient's status or his or her assistance payment. There will also be a reevaluation of the recipient's need for social services. When the recipient is represented by a protective payee or has a representative payee (see N.J.A.C. 10:90-3.23), such person shall also be interviewed. A summary report including all pertinent information shall be made by the WFNJ worker for each contact with the recipient and any collateral sources.

(c) When there is a substantial question of continuing WFNJ eligibility to be resolved, the monthly assistance benefit may be suspended, subject to timely and adequate notice provisions at N.J.A.C. 10:90-9, for a period of up to three months.

1. If a determination is made to reinstate benefits, the county or municipal agency shall give adequate notice to the recipient and the monthly assistance benefit shall be retroactive to the time of suspension, adjusted to reflect any change in circumstances which may have occurred during the suspension period.

2. If a determination is made to terminate WFNJ assistance, the county or municipal agency shall give timely and adequate notice of the impending adverse action to the recipient.

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

10:90-3.23 Payees in WFNJ

(a) Payees in WFNJ are classified as designated payees, temporary payees, protective payees and representative payees (see (b) through (e) below).

1. In addition to the provisions allowing for payees under the WFNJ program, provisions are also included for situations which may warrant the use of restricted payments in the form of vendor payments or two-party checks for goods and services provided to or for a recipient. Such restricted assistance payments shall be provided at the request of the WFNJ recipient or at the discretion of the county or municipal agency (see (f) below).

(b) A designated payee is a person signing the application to whom the check is issued.

1. No person under official commitment in a mental institution, who has been adjudicated mentally incompetent, or whom the county or municipal agency has determined is an alleged incompetent may be a designated payee.

2. Whenever there is more than one person signing the application, the WFNJ worker shall discuss with the applicants who the designated payee should be. The assistance unit shall be encouraged to continue their normal pattern for management of income.

(c) A temporary payee is a person designated temporarily by the county or municipal agency to receive the assistance payment, usually in an emergency situation.

1. A permanent arrangement must be established within two calendar months following the month in which the emergency occurs.

TIP participant for non-compliance with the TIP Program. If the participant does not comply with the TIP program requirements, that individual shall be removed from TIP and placed in a different work activity. However, a sanction may result from the recipient's failure to comply with a non-TIP work activity in accordance with N.J.A.C. 10:90-4.13.

1. Participation in TIP Program services shall count towards a WFNJ recipients work activity only through the child's 12th month of age.

i. TIP services provided to the participant shall not extend beyond the child's 12th month of age, except in certain situations when the in-home service provider determines, on a case-by-case basis, that continued periodic in-home or in-community visitation is necessary.

2. In order for TIP Program participation to count towards the required hours of a work activity, the participant must attend the identified parenting skills program(s) that is determined to be necessary, based on the assessed needs of the family.

(g) The in-home visitation service provider shall administer a comprehensive assessment to each individual referred to the TIP Program to determine eligibility for participation.

1. The parenting skills assessment shall evaluate the individual's abilities, skills, and knowledge about healthy parenting. The assessment includes, but is not limited to, the following:

- i. A universal health screening;
- ii. A family stress checklist; and
- iii. A child welfare checklist.

2. Upon completion of the assessment, the individual and the in-home visitation service provider shall identify the services appropriate for that family. A menu of parenting services and other services that promote transition into the workplace shall be offered. For WFNJ recipients, such services shall be recorded on the IRP and may include, but are not limited to, the following:

- i. Assessment, nutrition and parent education programs;
- ii. Fatherhood services/workshops;
- iii. Interactive parent-child sessions;
- iv. Counseling and employment coaching sessions;
- v. Links to social, medical and employment services; and
- vi. Coordinated case planning among the CWA, OSCC, DYFS (when appropriate) and the in-home visitation service provider.

New Rule, R.2007 d.15, effective January 16, 2007.
See: 38 N.J.R. 1156(a), 39 N.J.R. 207(a).
Amended by R.2009 d.202, effective June 15, 2009.

See: 41 N.J.R. 364(a), 41 N.J.R. 2483(a).

In (f)2, deleted “, and attain satisfactory attendance in accordance with the provisions at N.J.A.C. 10:90-4.4” from the end.

SUBCHAPTER 6. EMERGENCY ASSISTANCE

10:90-6.1 Availability of emergency assistance

(a) Emergency assistance shall be made available through the WFNJ program as a supportive service to meet the emergent needs of WFNJ recipients so that recipients shall not be prevented from complying with the work requirement due to disruptions caused by homelessness and related emergencies. Consequently, in an effort to minimize the incidence of homelessness among the WFNJ recipient population, the county/municipal agency shall be alert to the following circumstances which may reasonably be assumed to, if not addressed by the recipient and the agency, result in imminent or actual homelessness of the individual or family. Upon identification of any of the indicators listed below, the county/municipal agency shall review the case record to determine if the individual or family shall be referred to sources of help, either within or outside the agency, to plan to ensure the availability of uninterrupted housing.

1. When shelter costs equal or exceed total recorded income to the WFNJ assistance unit and the recipient is unable to document other sources of income, for example, loans from relatives, which enable the individual or family to meet monthly housing/living expenses;

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

3. When the individual's or family's income is reduced as a result of the reduction in WFNJ benefits or other available income, as long as such reduction is not due to any of the situations listed in (b)2 below;

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

5. When the county/municipal agency receives information that the individual or family is involved in a tenant/landlord dispute or threatened foreclosure.

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

(b) The EA as listed in (a) above can also be an appropriate form of assistance for WFNJ recipients who are unable to work.

(c) The county or municipal agency shall provide emergency assistance when there has been substantial loss of housing, food, clothing or household furnishings or utilities by fire, flood or other similar disaster, or an actual or immi-

ment eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing (see (c)1 below); and the county or municipal agency determines that the provision of shelter/ housing and/or food and/or emergency clothing, and/or minimum essential house furnishings or utilities is necessary for health and safety.

1. A lack of realistic capacity to engage in advance planning shall be said to exist in the following circumstances:

i. When the assistance unit can demonstrate that there was insufficient time to secure housing between receipt of notice of imminent loss of housing and actual eviction, foreclosure or loss of prior permanent housing; or

ii. When the assistance unit can demonstrate or signs a document, prepared by the county/municipal agency, certifying that available funds, including liquid resources at N.J.A.C. 10:90-3.20, were exhausted on items deemed appropriate, necessary or reasonable for decent living and such expenditures were made as the result of a significant occurrence or situation, not due to the meeting of the expenses of daily living. 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 expenditures for food, clothing and housing, other appropriate items include, but are not limited to, expenditures for a family emergency, such as, attending the funeral of a family member, or excessive unreimbursed medical expenses; or

iii. When the assistance unit demonstrates functional incapacity, for example, evidence of alcohol or drug abuse, that would prevent them from planning for or securing substitute housing. Individuals granted EA on this basis must agree as part of their service plan (see N.J.A.C. 10:90-6.6 concerning the development of a service plan) to engage in appropriate treatment for their addiction or other incapacitating condition. Such treatment for addiction or incapacitating condition shall also be included in the IRP in order to coordinate the requirements contained in the IRP.

2. As part of the determination of eligibility for emergency assistance, the agency shall evaluate all potential contributions of support to the household, including income received by ineligible household members, particularly when determining the amount of temporary rental assistance (see N.J.A.C. 10:90-6.3(a)5) to be provided, and the specific kinds of preventive services which may be required by the individual, couple without dependent children or family with dependent children.

3. Emergency assistance shall not be provided to a WFNJ applicant when an actual or imminent state of homelessness exists as a direct result of the voluntary cessation of employment by the adult household member

without good cause (as provided at N.J.A.C. 10:90-4.10). EA shall not be provided for a period of two months to the entire household in which the recipient adult member voluntarily quits employment without good cause while receiving emergency assistance (see N.J.A.C. 10:90-4.11(b) concerning a voluntary quit). Nor shall EA be provided when an eligible household member has caused homelessness by being a disorderly tenant, causing wanton destruction of property or criminal activity which has directly led to eviction from housing.

i. An adult household member who incurs a sanction as a result of his or her failure to comply with the WFNJ program work requirements may apply for and receive emergency assistance for himself or herself and the eligible unit while in sanction status as long as the emergency is not in any manner attributable to nonpayment of rent or mortgage due to the resultant reduction of income to the household.

ii. An adult household member who incurs a sanction due to failure to comply with the WFNJ work requirements (not a voluntary quit) while receiving emergency assistance shall continue to receive such assistance (see N.J.A.C. 10:90-6.4 concerning time limits on receipt of emergency assistance), as may be required, for himself or herself and the eligible unit, unless all WFNJ cash assistance to the eligible unit has been terminated and the case closed as a result of failure to correct a sanction.

iii. In consultation with DYFS, EA shall be provided to a DYFS family, even if the family caused its own homelessness, provided that the family meets all other EA eligibility requirements.

(1) When EA is granted to a DYFS family that caused its own homelessness, the CWA and DYFS shall establish communication to ensure coordination of the DYFS plan, the EA service plan and the IRP.

(A) Every effort shall be made to avoid situations in which the development and execution of one plan infringes upon the development and execution of another, thereby placing the recipient in danger of being either sanctioned due to noncooperation or terminated from receipt of EA.

(B) Failure to comply with the DYFS service plan or the EA service plan may, in consultation with DYFS, result in the termination of EA.

4. Emergency assistance is likewise available in situations where there is an indication that an individual, or a parent and his or her children, have left their customary residence and the unit is in a state of homelessness due to imminent or demonstrated domestic violence which imperils the health and safety of the eligible unit.

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.

5. In instances where the Division of Youth and Family Services, in consultation with the county agency, certifies that placement of the children 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 applicable provisions of this subchapter.

(d) The county agency may authorize EA to a family on behalf of a child in order to facilitate the return of a child from foster care placement when the appropriate District Officer 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:

1. The county agency is in receipt of detailed written verification from DYFS that the return is barred solely by insufficient or inadequate shelter, food, clothing or house furnishings and there is no other way by which a deficiency can be remedied;
2. 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;
3. The return from placement will be to any parent or relative specified in N.J.A.C. 10:90-2.7(a)3; and
4. Upon return of the child, WFNJ eligibility will exist.

(e) EA is also available in cases where only the child is eligible to receive WFNJ cash assistance (that is, the parent-person is non-needy).

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

In (b), added "or utilities", "prior", "or imminent homelessness", and "or the absence of a realistic capacity to plan in advance for substitute housing"; added new (b)1, 1i through 1iii; recodified former (b)1 and 2 as 2 and 3, added second sentence in 3; added 3i and 3ii; and recodified former 3 and 4 as 4 and 5.

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

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

Added a new (b) and recodified former (b) as (c); added (d) and (e).

Amended by R.2004 d.436, effective December 6, 2004.

See: 36 N.J.R. 3339(a), 36 N.J.R. 5354(a).

In (c), substituted "see (c)1 below" for "see 1 below" following "advance for substitute housing" in the introductory paragraph, added 1iii in 3; in (d), recodified 2 to 5 as 1 to 4.

10:90-6.2 Persons eligible for emergency assistance

Only WFNJ (WFNJ/TANF and WFNJ/GA) recipients, including those determined eligible for WFNJ benefits based on immediate need, and Supplemental Security Income (SSI) recipients, are eligible for emergency assistance.

10:90-6.3 Kinds of emergency assistance authorized

(a) The county or municipal agency is authorized to provide the following kinds of assistance to meet emergency situations when there is no other source of support available: payment for emergency shelter and emergency temporary housing; and allowances for permanent living arrangements including, but not limited to, allowances for retroactive rental, mortgage or utility payments, security deposits for rent and utilities and advance rent, eviction related costs that are authorized by DFD, reasonable costs of transportation required to search for housing, reasonable costs of temporary storage of personal possessions (see (a)4iv below), moving expenses, food, clothing, essential house furnishings including a one-time purchase of an air conditioning unit when medically necessary and, when applicable, the one-time payment of a Citizenship Application Fee and associated fingerprinting fee.

1. The county/municipal agency shall determine the most appropriate form of emergency housing which is required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided. Such emergency housing shall include placement in shelters; hotel/motel placement; transitional housing; or shelters for victims of domestic violence.

i. A pending eviction or foreclosure must be documented, either through a tenancy complaint filed by the landlord or an order from a court for eviction or foreclosure. Where such documentation does not exist, a letter from a landlord or other person serving in such capacity (relative/friend with whom the individual/family is residing), subject to agency verification, stating that eviction is imminent or has occurred shall be accepted by the agency.

2. 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, the next regular assistance payment, support payment, receipt of earnings or receipt of food stamps).

i. When it is necessary to provide temporary living arrangements for a recipient 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 or municipal 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.

3. When the agency determines that they are necessary, payments to enable a recipient to purchase minimum essential clothing for physical health and safety shall be granted, not to exceed the amounts stated below, unless authorized by DFD on a case-by-case basis.

- i. Adult—\$86.00;
- ii. Child, age 13 and over—\$86.00;
- iii. Child, age five through 12—\$48.00;
- iv. Child, birth through four—\$29.00.

4. Allowances for those items deemed urgent and essential to the physical health and safety of the recipient shall not exceed those amounts stated at (a)4i below. The recipient is obligated to use any other reasonable source for provision of these items, including, but not limited to, relatives and charitable organizations.

i. Items deemed urgent and essential to the physical health and well being of the individual or family, as appropriate, include, but are not limited to, the following: a refrigerator, a dinette set, kitchen equipment, lamps, beds, cribs, chests of drawers and bed and bath linens. A maximum allowance is provided for the

purchase of such items. Payment for these items shall not be made on more than three occasions during the 60 cumulative month lifetime limit under WFNJ assistance.

No. of eligible persons:	1	2	3	4	5	6
Maximum allowance:	\$585	\$745	\$895	\$1,045	\$1,195	\$1,365
Add \$150 for each additional person						

ii. 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 recipient may be moving from a hotel/motel shelter or furnished apartment into an unfurnished living arrangement where there is no essential furniture. Likewise, when an item which is essential for the recipient's health and well-being, such as a refrigerator, wears out, EA funds may appropriately be used to replace it.

iii. Itemized invoices and vouchers shall be provided to the county or municipal agency for all purchases.

iv. Payment of storage costs shall be made at the most reasonable rates available and shall not exceed six months. If additional time is required due to individual circumstances, the agency shall request approval from DFD.

5. Payment shall be authorized for up to any three calendar months of retroactive rental or mortgage payments if it will prevent actual eviction or foreclosure, and/or six calendar months of retroactive utility payments if it will prevent the loss of utilities or make utilities operable.

i. Payment for more than three calendar months of retroactive rental or mortgage payments and/or six months of retroactive utility payments shall be made only under extraordinary circumstances (as found at N.J.A.C. 10:90-6.4(b)1) subject to authorization by DFD.

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 may be made under EA.

6. If appropriate for the individual/family situation, WFNJ recipients shall be notified that temporary rental assistance (TRA) may be provided, when the recipient is facing eviction, in order to maintain current permanent housing which had previously been affordable but which is no longer affordable for reasons such as, but not limited to, loss of employment, temporary unemployment or underemployment and it is anticipated that such housing will again become affordable; or when it is determined that maintaining the unit in the current housing arrangement is both the least costly alternative and serves to preserve the family structure while the search for affordable hous-

ing continues. TRA is the preferred form of emergency housing assistance in all situations, as appropriate.

7. If appropriate for the individual/family situation, WFNJ recipients shall be notified that TRA may also be provided to recipients who have experienced an actual state of homelessness and are able to locate a housing arrangement or can be accommodated in a housing arrangement in lieu of temporary shelter when the county/municipal agency has determined that a TRA is the appropriate remedy to address the emergency. The agency may authorize TRA of up to \$700.00 monthly for WNFJ/TANF and \$400.00 monthly for WNFJ/GA to supplement an eligible unit's WFNJ cash assistance and/or income from other sources. Amounts in excess of \$700.00 and \$400.00, as appropriate, require prior approval and authorization of subsidy level by DFD.

i. TRA shall be provided when:

(1) The total cost of housing does not exceed the current Fair Market Rent (as established by the United States Department of Housing and Urban Development) for the municipality or county in which the recipient resides;

(2) The housing will become affordable during the period of the TRA when income from current or future employment is based on minimum wage times 35 hours per week; and

(3) The recipient's service plan and individual responsibility plan states the conditions under which a TRA has been granted and reflect the recipient's understanding of such.

ii. TRA shall not be discontinued when an adult recipient of WFNJ benefits has been sanctioned for noncompliance with the work requirement unless all WFNJ cash assistance to the eligible unit has been terminated and the case closed as a result of a failure to correct a sanction, provided this period of time in sanctions is prior to the 12 month lifetime limit placed on EA.

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), added language regarding a Citizenship Application fee; in (a)1, added language regarding emergency housing; rewrote (a)5; in (a)5i, added N.J.A.C. reference; in (a)7, added last half of first sentence and second sentence; rewrote (a)7i and added new 7i, 2, and 3; rewrote 7ii; and deleted 7iii.

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 the introductory paragraph, inserted " unless authorized by DFD on a case-by-case basis" in 3, rewrote 6 and the introductory paragraph of 7.

10:90-6.4 Time limitations

(a) Any emergency assistance granted shall be limited to 12 cumulative months during the lifetime of the case, irrespective of the county or municipality of residence. A month of emergency assistance shall be any month for which a payment of emergency assistance of any kind is issued on behalf of a WFNJ TANF/GA, or SSI recipient, unless otherwise excluded.

1. Payment of retroactive rent or mortgage shall be counted month for month toward the lifetime limit. Payment of retroactive utilities shall be counted as one month for each two full months paid, or parts thereof.

2. The provision of allowances for food, clothing or single replacement items of furniture and the one-time payment of a Citizenship Application Fee are specifically excluded from the calculation of the maximum lifetime EA limit.

(b) Additional emergency assistance shall be granted beyond the 12-month maximum when, in the judgment of the county or municipal agency, the WFNJ or SSI recipient has taken all reasonable steps to resolve the emergent situation but the emergency nonetheless continues or a new emergency occurs, which causes extreme hardship to the family.

1. The following listing is not intended to be exhaustive, nor should it be interpreted as preventing county or municipal agencies from considering other situations not specifically mentioned in the list. Nevertheless, the agency shall confer with DFD if individual and/or family circumstances which are offered as a reason for extending EA represent a departure from the categories provided herein. An extension of emergency assistance based on extreme hardship shall be provided when:

i. There is the danger of a loss of employment or a bona fide offer of employment by a recipient adult;

ii. There is imminent danger of the immediate breakup of the family unit, with children needing to be placed in foster care;

iii. The recipient adult or child is in imminent physical danger or at risk of abuse and neglect;

iv. There is danger of serious harm to persons who are clinically/medically diagnosed as mentally and/or physically incapable of caring for themselves, thereby possibly leading to inpatient hospital care or institutionalization; or

v. The request for additional EA arises directly out of a substantial loss of shelter, food, clothing, household furnishings and/or essential utilities incurred as a result of a natural disaster.

2. Recipients who are in applicant status for Supplemental Security Income (SSI), or who have been denied but have appealed the denial, shall receive a six-month extension of emergency assistance. This status needs to be supported by medical documentation.

(c) No more than 10 percent of single adults and couples without dependent children (WFNJ/GA) who are receiving temporary rental assistance may receive one six-month extension of emergency assistance if the agency determines that a case of extreme hardship exists, pursuant to (b)1 above.

1. The county or municipal agency shall review each such case monthly to determine if the extreme hardship continues to exist.

(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.

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).

Amended by R.2008 d.313, effective October 20, 2008.

See: 40 N.J.R. 2191(a), 40 N.J.R. 6205(a).

Deleted (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)liv.

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.