

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

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

Amended by R.1990 d.33, effective January 16, 1990.

See: 21 N.J.R. 3221(b), 22 N.J.R. 218(a).

Stylistic changes.

See New Jersey Register for amendment filed as R.1992 d.2, effective January 6, 1992, but operative July 1, 1992.

See: 24 N.J.R. 103(a).

Amended by R.1992 d.2, effective January 6, 1992 (operative July 1, 1992).

See: 23 N.J.R. 286(a), 24 N.J.R. 103(a).

Added new subsection (d).

Amended by R.1992 d.260, effective June 15, 1992.

See: 24 N.J.R. 926(a), 24 N.J.R. 2263(a).

Replaced Schedule I and Schedule II under subsection (b).

#### Case Notes

Department has wide discretion in formulating standard of need. Matter of Rulemaking, N.J.A.C. 10:82-1.2 and 10:85-4.1, 117 N.J. 311, 566 A.2d 1154 (1989).

Department must establish what level of benefits would maintain recipients in the measure of dignity that the enabling legislation requires. Matter of Rulemaking, N.J.A.C. 10:82-1.2 and 10:85-4.1, 117 N.J. 311, 566 A.2d 1154 (1989).

Congress requires states to set forth difference between what people need and what they get and to establish a "standard of need" for AFDC eligibility. Matter of Rulemaking, N.J.A.C. 10:82-1.2 and 10:85-4.1, 117 N.J. 311, 566 A.2d 1154 (1989).

Standard of need based upon actual cost of living within state. Matter of Petitions For Rulemaking N.J.A.C. 10:82-1.2 and 10:85-4.1, 223 N.J.Super. 453, 538 A.2d 1302 (A.D.1988), certification granted 111 N.J. 638, 546 A.2d 550, affirmed 117 N.J. 311, 566 A.2d 1154.

Maximum monthly reimbursement level set at State benefit level established by regulation; effect of voucher system on benefits. R.S. v. Gloucester Cty. Welfare Dept., 1 N.J.A.R. 448 (1980).

Statutorily mandated hospital cost payments are limited to counties of the first class; limitation does not amount to denial of equal protection. Sharp v. Dept. of Human Services, 178 N.J.Super. 70 (App.Div.1982).

Effect of voucher system on level of benefits. In re R.S., OAL Dkt. HPW 2369 (Dec. 6, 1979), rejected, DPW (Feb. 29, 1980), App. Div. Dkt. No. A-2315-79T1.

#### 10:85-4.2 Periods for which assistance is granted

(a) General assistance is granted to meet needs of individuals in a variety of situations. The director of welfare shall determine which of the following is appropriate:

1. Monthly period: When authorized, payment shall be issued once each calendar month and will be determined from the applicable monthly allowance standard less any countable income.

2. Weekly or biweekly period: When authorized, payment shall be issued on a weekly or biweekly basis, and will be determined by prorating the applicable monthly allowance standard. The total payments to the client in any calendar month shall not exceed the full monthly allowance less any countable income for that monthly period.

i. MWDs may use the weekly or biweekly period for the granting of assistance to persons who demonstrate patterns of noncompliance with the work requirement or in situations where the MWD is experiencing difficulty in reconciling questionable areas of eligibility.

3. Periods of less than one week: When authorized, payment shall be issued for one or more days to meet temporary situations. A per diem (daily) amount is determined by dividing the applicable monthly allowance standard by 30 (see N.J.A.C. 10:85-3.3(f)2vi). Any income actually available on that day or days shall be deducted from the per diem amount. Such grants qualify for State aid up to the amount to which a client would be entitled under (a)1 above.

4. Grants for specific needs: When an individual specifically requests assistance in an amount less than that to which he or she is entitled (for example, for shelter, food only, and so forth), such amount may be granted, subject to the notice requirement in N.J.A.C. 10:85-7.2(b)2. However, the total amount granted during one calendar month to the client for such specific needs shall not exceed the amount for which he or she is eligible, unless (a)5 below applies.

5. Emergency assistance: Emergency assistance benefits may be provided to eligible GA individuals under the conditions stated in N.J.A.C. 10:85-4.6. Emergency assistance made in accordance with such regulations qualifies for State aid.

6. Initial period of assistance: In all cases for which a starting date is not specified elsewhere in this manual, the starting date for the initial period of assistance shall be the date of the application or the date on which eligibility began, whichever is later.

As amended, R.1977 d.488, effective December 29, 1977.

See: 10 N.J.R. 64(c).

As amended, R.1983 d.328, effective July 25, 1983.

See: 15 N.J.R. 938(a), 15 N.J.R. 1378(a).

Originally adopted as an Emergency Re-adoption as R.1983 d.209 effective May 23, 1983, operative June 1, 1983.

(a)6, initial period of assistance, added and internal citations corrected.

Amended by R.1992 d.503, effective December 21, 1992.

See: 24 N.J.R. 3075(a), 24 N.J.R. 4538(a).

Eligibility limited to six months per State Fiscal year.

Amended by R.1993 d.382, effective August 2, 1993.

See: 25 N.J.R. 1714(a), 25 N.J.R. 3466(a).

#### Case Notes

Regulation provides for granting of assistance requested if request is for less than amount of entitlement; petition for increased grant to maximum entitlement denied as original request was granted (Division's Final Decision). R.S. v. Gloucester Cty. Welfare Dept., 1 N.J.A.R. 448 (1980).

Statutorily mandated hospital cost payments are limited to counties of the first class; limitation does not amount to denial of equal protection. Sharp v. Dept. of Human Services, 178 N.J.Super. 70 (App.Div.1982).

**10:85-4.3 Methods of payment**

(a) Acceptable forms of payment to or on behalf of an eligible unit include:

1. A direct grant of cash or check drawn to the client;  
or

2. An order for a specific item or items or for a specific service (Form GA-11). A check is subsequently drawn to a vendor for a specified commodity or service. Neither the order nor any information provided about the order may limit the client's choice of vendor in any way except that the client may not, by his or her choice of vendor, incur a charge against the municipality higher than the limits provided in this manual.

i. The MWD shall inform the vendor that all bills must be submitted to the MWD within six months after the date of the service, unless special circumstances are brought to the MWD's attention which warrant an alternate billing timeframe arrangement.

(b) Assistance orders shall be serially numbered when printed. Assistance orders submitted for payment shall bear the signatures of the director of welfare, the recipient and vendor except that orders for residential services such as room and board or residential health care need not bear the signature of the recipient. Rubber stamp or typescript signatures are not valid unless countersigned by a duly authorized staff member.

(c) The MWD shall provide a sufficient portion of the grant amount in the form of cash or check directly to the client for incidentals such as laundry and personal needs.

1. MWDs that utilize a voucher method of payment for grants shall be required to establish a Petty Cash Fund Account in accordance with N.J.A.C. 10:85-6.6, to provide a portion of the grant amount to the client in the form of cash or check.

As amended, R.1979 d.141, effective May 1, 1979.

See: 10 N.J.R. 488(a), 11 N.J.R. 249(c).

As amended, R.1979 d.365, effective October 1, 1979.

See: 11 N.J.R. 378(a), 11 N.J.R. 519(f).

As amended, R.1983 d.328, effective July 25, 1983.

See: 15 N.J.R. 938(a), 15 N.J.R. 1378(a).

Originally adopted as an Emergency Readoption as R.1983 d.209, effective May 23, 1983, operative June 1, 1983.

Reference to residential service not requiring signatures, added.

Amended by R.1991 d.521, effective October 21, 1991 (operative November 1, 1991).

See: 23 N.J.R. 1741(a), 23 N.J.R. 3155(a).

Vendor to bill within six months; cash or check for personal incidentals to go to client.

**Case Notes**

Voucher system may not be used to thwart clear statutory and regulatory policy. R.S. v. Gloucester Cty. Welfare Dept., 1 N.J.A.R. 448 (1980).

**10:85-4.4 Designation of a temporary payee**

(a) In situations where a recipient of General Assistance demonstrates an inability to manage his/her money and is therefore, unable to provide for his/her own physical health and safety, the director may deem it necessary to designate a temporary payee to receive such assistance on behalf of the client. Such designation shall be reviewed every 30 days.

1. Responsibility of temporary payee: The temporary payee shall use any assistance granted to the client solely for the benefit of such client and shall be responsible to the director for his/her actions in this respect.

2. Selection of payee: A temporary payee may be any person age 18 or over who, in the judgment of the director, is capable of satisfactorily dispensing the assistance granted to the client. Preference shall be given to relatives of the recipient wherever practical.

i. Client's cooperation in selection: The cooperation of the client shall be sought, but is not required, in selection of the temporary payee. The client shall, however, be advised of his or her right to request a local hearing regarding the designation of a temporary payee (see N.J.A.C. 10:85-7.3(a)).

Amended by R.1983 d.328, effective July 25, 1983.

See: 15 N.J.R. 938(a), 15 N.J.R. 1378(a).

Originally adopted as an Emergency Readoption as R.1983 d.209, effective May 23, 1983, operative June 1, 1983.

Internal citation corrected.

**10:85-4.5 Changes in need while assistance is being received**

(a) When a change in the circumstances of the recipient results in an adjustment upward or downward in the amount of assistance payment, such adjustment shall be made promptly following verification of the change and in accordance with requirements for timely notice (see N.J.A.C. 10:85-7.2).

1. Reduced or terminated payments: When a payment to a recipient is to be reduced or terminated for whatever reason, a timely notice of such action must be mailed (post-marked) or handed to the recipient at least ten days before the reduction or termination is made, N.J.A.C. 10:85-7.2(b) applies.

**10:85-4.6 Emergency assistance**

(a) Emergency assistance (EA), as delineated in the following rules, provides for the prevention of homelessness, the granting of emergency shelter assistance and temporary rental assistance. EA shall be authorized to or for an individual(s) otherwise eligible to receive General Assistance under the rules in this manual when circumstances set forth in (a)1-3 below exist.

1. Fire or natural disaster: When there has been substantial loss of shelter, food, clothing and/or household furnishings by fire, flood or other similar disaster, and the eligible individual(s) is in a state of homelessness and the director determines that the provision of one or more of these basic needs is essential for the health and safety of the individual.

2. Domestic violence: The state of homelessness may result from imminent or demonstrated violence which imperiled the health and safety of the individual or eligible unit.

3. Where there is documentation, subject to MWD verification, of a pending eviction, such as a letter from the landlord or other person who is providing shelter or dwelling space to the client, a tenancy complaint filed by the landlord, an order from a court for eviction or foreclosure, an actual eviction or foreclosure has occurred, or when prior shelter is no longer available, and the eligible individual(s) demonstrates a lack of realistic capacity to plan for substitute housing as defined in (a)3iii below, emergency assistance shall be authorized in accordance with (a)3i and ii below.

i. Payment may be authorized for three calendar months of retroactive, utility, rental or mortgage payments if it will prevent actual eviction or foreclosure.

ii. In situations of homelessness due to actual eviction or foreclosure or when prior shelter is no longer available, payment shall be authorized for emergency shelter in accordance with (e)1 below.

iii. Lack of realistic capacity: Lack of realistic capacity to plan for substitute housing exists in the following circumstances:

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

(2) When the eligible person(s) can demonstrate or signs a document, prepared by the MWD, certifying that available funds were exhausted in payment of necessary household and living expenses, such as food, clothing, shelter, or unreimbursed medical expenses, and that payment of such expenses resulted in homelessness.

(3) When the eligible person(s) demonstrates functional incapacity (see (e)1 below) that would prevent him or her to plan for a secure substitute housing.

(b) High impact municipalities, defined as those municipalities with a population in excess of 75,000 people or whose percentage of the population receiving GA is greater than the State average, shall have responsibility to establish affiliation agreements with local human service agencies for

shelter and other services, including those agencies affiliated with the Comprehensive Emergency Assistance System (CEAS). High impact municipalities shall utilize the available EA resources and services offered through such affiliations to meet specific needs of EA clients. These municipalities shall also have responsibility for publicizing the CEAS toll free, 24-hour, hotline telephone number.

(c) The goal of the GA/EA shelter program is to provide for the initial and continuing emergency shelter needs of otherwise eligible GA recipients. EA is designed to provide shelter and to coordinate support services, with client participation, at all levels of government and with other appropriate sectors of the human services delivery community. It is acknowledged that there is a shared responsibility among governmental/non-governmental entities at the municipal, county, and State levels. The MWD and client shall have a shared obligation to resolve the emergency situation and to secure a shelter arrangement which he or she will be able to ultimately maintain without EA. Upon contact with the EA eligible individual, the MWD shall have responsibility to:

1. Immediately authorize appropriate EA benefits to alleviate the emergency situation;

2. Review the circumstances which contribute to the client's homeless situation and limit his or her ability to secure and/or maintain permanent housing (for example, substance abuse, mental illness, insufficient funds);

3. Explain to the client, as well as provide a written copy of, EA rights and responsibilities:

i. EA rights and responsibilities shall be in a form transmitted to the MWDs by the DEA;

4. Discuss with the EA client the emergency shelter arrangement which the MWD determines, in accordance with (c)2 above, will meet his or her immediate emergency shelter needs;

5. Explain that a written service plan shall be mutually developed, within five working days of the EA authorization date, to provide an individualized 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 his or her emergency situation. Refusal, without good cause, to cooperate with conditions set forth in the service plan that are directly related to the recipient's search for permanent housing or with the initial development of the service plan shall render the client ineligible for continuing EA benefits, until such time as cooperation has been resumed; and

6. Arrange a face-to-face meeting with the client to prepare the service plan at a time and place convenient to both the client and the MWD.

i. The service plan shall be signed by both the client and the MWD.

ii. The MWD shall retain the original plan and provide a copy to the client.

iii. The service plan shall include, but is not limited to:

(1) Selection of shelter arrangement which takes into consideration the client's individual circumstances, such as, but not limited to, mental and/or physical problems;

(2) Client responsibility to seek alternative permanent shelter or an optional permanent housing arrangement and to document such efforts in writing. The MWD shall have an obligation to assist the client in the search for permanent housing and document such assistance in the case record.

(A) Such permanent housing searches are to begin no later than the 11th day after the date the service plan is signed.

(B) The MWD shall determine a reasonable number of contacts to be made per week by the client, taking into consideration his or her medical and/or social circumstances and availability of potential housing. For example, it shall be considered reasonable for a person who is not suffering from physical or mental incapacity to conduct up to 10 contacts per week, if potential housing resources are available. Where good cause for non-participation in housing searches exists, the service plan shall reflect the applicable reason(s).

(C) Contacts may be made by telephone, personal visit or a combination of both.

(D) Written documentation shall consist of the date of the contact, the telephone number (if applicable), the address (location) of the housing site, and the name of the person contacted (landlord or agent);

(3) Provision of services as set forth at (1) below, emphasizing the reasonable transportation needs of the client associated with the areas identified at (c)6iii(3)(A) through (E) below. Reasonable is defined as the least expensive mode of transportation that can be provided to accomplish the activity or need identified.

(A) Transportation to shelters or to alternate temporary housing;

(B) Search for alternate temporary or permanent shelter;

(C) Negotiation of Food Stamp Program authorizations to participate at issuance sites which are inaccessible to the client;

(D) Visits to the appropriate MWD office for case processing purposes and/or to secure assistance payments or visits to any other appropriate service agency for assistance, such as the social security office; and

(E) Attendance at counseling sessions;

(4) Referral to and/or application for other available benefit entitlements or services (for example, drug and alcohol rehabilitation program, Department of Community Affairs, Social Security Administration, Home Energy Assistance Program, Food Stamp Program, Community Mental Health Services, Section 8 Housing Certificates); and

(5) If appropriate, involvement in a training or rehabilitation program, such as the Job Training Partnership Act (JTPA) or vocational rehabilitation, likely to result in employment or the securing of a job leading to the maintenance of affordable permanent housing. It is noted that such involvement shall be coordinated with existing General Assistance Employability Program (GAEP) requirements.

iv. The MWD shall monitor the EA client's compliance with the service plan as well as document MWD support activities at least once a month.

v. The MWD shall reevaluate and/or revise the service plan as warranted by changes in the EA client's shelter needs and/or other pertinent circumstances.

(d) An EA client shall be entitled to receive a written notice, inclusive of appeal rights, concerning a decision made by the municipal welfare director to deny or terminate EA benefits.

1. Denial notices shall be provided to the client immediately upon an EA denial determination.

2. Termination notices shall be provided at least 10 days in advance of the EA termination effective date.

3. Written notice shall be provided by the MWD at a face-to-face meeting with the EA client. At such time the MWD shall explain to the client the action to be taken, the reason(s) for such action, and his or her right to request a fair hearing.

4. Upon receipt of a notice of EA denial or termination, the client has a right to request a fair hearing provided that such request is made on or before the effective date of the EA termination or within 10 days of the personal delivery receipt date of a denial notice. Such appeals shall be resolved through the State level fair hearing process in accordance with N.J.A.C. 10:85-7.4 through 7.6.

i. When a fair hearing is requested because of receipt of an EA termination notice and such request is made on or before the effective date of the EA termination, EA shall continue unaltered until the fair hearing is held and a final decision is rendered by the Director of DEA.

(e) Rules concerning emergency shelter assistance are as follows:

1. Emergency shelter: The authorized payment shall be the actual cost of adequate emergency shelter arrangements, at the most reasonable rate available, for a specified temporary period not to exceed five calendar months which shall include any portion of the initial month of EA. The shelter arrangement shall also be reasonably related to the client's mental and physical needs (for example, if a client is suffering from a mental or physical incapacity, and the shelter arrangement would be detrimental to his or her condition, for instance in a situation where a client has recently been discharged from a hospital, requiring bed rest, he or she should be placed in a shelter arrangement that is available for 24 hours, enabling bed rest). Such emergency shelter, wherever possible, shall be in the municipality in which the eligible individual currently resides. If, however, shelter as delineated above is not available within the municipality of customary residence, the recipient, as a condition of eligibility, shall be obliged to accept shelter as delineated above which is situated outside the municipality of customary residence.

i. The temporary time period identified at (e)1 above shall not apply to EA recipients who have been medically diagnosed, as documented by a physician's certification, as having Acquired Immune Deficiency Syndrome (AIDS), or Human Immunodeficiency Virus (HIV) Positive with symptoms, or are terminally ill, and are unable to perform activities of daily living.

ii. In order to enable individuals medically diagnosed, as documented by a physician's certification, as having Acquired Immune Deficiency Syndrome (AIDS), Human Immunodeficiency Virus (HIV) Positive with symptoms, and those who are terminally ill, to maintain or secure residence in a permanent housing arrangement, funds shall be authorized, based on the most reasonable housing rates available, to supplement their regular grants of assistance, until such time as they qualify for SSI and/or similar statutory benefits pursuant to filing of application as stipulated at N.J.A.C. 10:85-8.3. Individuals who lose entitlement to presumptively issued SSI and/or similar statutory benefits and otherwise qualify for GA shall be provided EA, in accordance with this subparagraph and (e)1i above, pending confirmation of their permanent entitlement to such benefits.

iii. The regular grant of assistance (including calculated earned income and exempt income) is not to be

counted in the determination of eligibility for or the amount of emergency assistance payments authorized for temporary emergency shelter.

(1) When plans for more permanent living arrangements are made, any funds actually available to the clients are to be counted in the determination of emergency assistance payments for shelter, utility deposits, furniture storage, moving expenses, purchase of furniture and appliances.

iv. Every effort shall be made to locate suitable housing in the community of prior permanent residence. If, however, the municipal welfare agency locates suitable permanent housing, not necessarily in the municipality of prior residence, the client must accept the arrangement. Refusal to relocate without good cause renders the person ineligible for further emergency assistance for temporary shelter. Good cause may include, but is not limited to, the need to travel more than one hour each way to and from a place of employment by public or private transportation.

v. Payment may be authorized for furniture storage, moving expenses, advance rent and security deposits for rent and/or utilities when the municipal welfare director determines it is necessary to establish the client in a new permanent living arrangement.

2. Temporary rental assistance may be authorized by the MWD upon initial authorization of EA or at any other time during the receipt of EA. Temporary rental assistance benefits, as authorized in accordance with (e)2i and ii below, shall be expedited by the MWD to preclude the loss of an existing or potential housing arrangement.

i. The individual is facing pending eviction from permanent housing, which had previously been affordable, for reasons such as, but not limited to, loss of employment, temporary unemployment or underemployment, or it is anticipated that such permanent housing will be affordable within a three-month period.

ii. The individual is able to locate a housing arrangement or can be accommodated in a housing arrangement in lieu of a temporary shelter arrangement.

(1) The determination of the MWD to authorize temporary rental assistance shall be based on conclusions reached as a result of the development of the action plan as set forth at (c) above, which indicates the individual's cooperation to comply with the case management efforts of the MWD and that there is reasonable assurance that:

(A) The individual's anticipated income from other sources, including employment, will support the ongoing housing expenses without continued temporary rental assistance; or

(B) The individual shall continue to conduct permanent housing searches to find a more affordable housing arrangement.

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

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

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

(3) MWDs shall authorize temporary rental assistance of up to \$200.00 per month to supplement an EA recipient's regular GA grant. MWDs shall ensure, however, that the recipient retains the greater of 25 percent of his or her monthly grant or a minimum of \$35.00. Amounts in excess of the 25 percent or the \$35.00 minimum may be authorized when it is determined that the client has special needs. The portion of the client's regular grant retained by the MWD as well as any other available income shall represent his or her contribution towards the monthly shelter costs. The recipient shall, as a condition of eligibility for temporary rental assistance, cooperate in making application for other benefits for which he or she has potential entitlement, such as Section 8 Housing Certificates and/or the Home Energy Assistance Program, with the assistance of the MWD.

(4) Requests for temporary rental assistance in amounts in excess of \$200.00 must be approved by DEA prior to issuance.

(5) The MWD shall authorize temporary rental assistance on a case by case basis up to a period of one year. Such authorization shall be based on a review of the individual's circumstances and in keeping with the mutually developed service plan.

3. Monthly EA shelter extensions beyond the five-month maximum EA period shall be authorized by the MWD to individual(s) because of any of the following:

i. Due to illness or incapacity of the client or of another person which requires the client's presence in the home on a substantially continuous basis, the individual(s) is unable to perform activities of daily living including participating in permanent shelter searches and/or complying with any of the other provisions of the service plan;

ii. Alternate permanent housing is anticipated to be available or a change in circumstance, for example, other sources of income, is expected within two months subsequent to the extension month which will obviate the need for such shelter extensions; or

iii. The EA recipient has satisfactorily fulfilled his or her permanent housing search responsibilities or was determined unable to make such permanent housing searches and continues to require additional EA shelter assistance.

4. Upon authorization of EA extensions beyond the five-month maximum period, the MWD shall conduct a face-to-face interview with the EA client to reinstate the provisions of the service plan or to adjust the service plan for a more appropriate plan of action. If, for reasons of "good cause," the MWD determines that the EA client will be unable to fulfill any or all of the provisions of the service plan, such reasons shall be duly noted on the service plan and shall be substantiated by appropriate documentation in the case file.

5. Municipalities may be authorized to operate approved EA programs in order to serve specific population target groups such as those suffering from substance abuse, mental illness, and/or other debilitating conditions. Such special initiatives will be implemented through the submission and approval of plans designed to address locally suited alternatives to homelessness. Plans must:

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

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

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

iv. Have prior written approval from DEA before funding can be authorized.

(f) Emergency food: As authorized in (a) above, when food is not available from any other source, an amount of \$4.50 per day per person shall be allowed for a specified number of days only, and in no event beyond such time as other funds become available (for example, next regular assistance payment, support payment, receipt of earnings, receipt of food stamps and so forth).

1. When it is necessary to provide temporary living arrangements in a hotel, motel, or other facility in which cooking facilities are not available or are determined by the MWD to be inadequate, payment for restaurant meals shall not exceed \$7.50 per person per day and shall be allowed until such time as other funds become available (for example, next regular assistance payment, support payment, receipt of earnings, receipt of food stamps, and so forth).

(g) Emergency clothing: When authorized under (a) above to the individual(s) to purchase minimum essential clothing for physical health and safety, payment may be granted not to exceed the amounts stated below:

Age	Amount
Adult	\$86.00
Child: 13 and over	86.00
Child: 5 through 12	48.00
Child: Birth through 4	29.00

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

(h) Emergency house furnishings: When authorized under (a) above, emergency assistance for house furnishings which the MWD deems urgent and essential to the physical health and safety of the eligible unit shall not exceed the maximum allowances in the following table.

Number of Persons in Eligible Unit:	Persons					6 or more
	1	2	3	4	5	
<b>Kitchen Furnishings:</b>						
Range	\$130	\$130	\$130	\$130	\$130	\$160
Refrigerator	200	200	220	220	220	260
Washing Machine			200	200	200	200
Dinette Set	45	45	65	65	85	85*
Kitchen Equipment	50	60	60	72	72	80
<b>Living Room Furnishings:</b>						
Couch and Chair(s)	125	175	175	225	225	225
Table	20	20	20	20	20	20
Lamp(s)	20	20	20	35	35	35
Floor Covering	25	25	25	25	25	25
* Over 6—\$12 each additional person						
<b>Bedroom and Furnishings:</b>						
Box Spring, Mattress, and Frame, per set	\$110 Twin				\$130 Double	
Bunk Beds, per set of 2 (complete)	\$135					
Crib with Mattress	\$ 50					
Chest(s) of Drawers	\$ 50 Per Person					
Bed and Bath Linens and Miscellaneous Furnishings	\$ 36 Per Person				(Not to exceed \$200 per family)	
Window Coverings	\$2.50 Per Window					

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

(i) Persons who appear to be eligible for AFDC shall be referred immediately to the county welfare agency. However, emergency assistance may be provided under the conditions stated in N.J.A.C. 10:85-3.2(b)4ii and in accordance with this section.

(j) In an emergency situation such as sudden removal of the mother or responsible caretaker from the home, the MWD may be called upon to provide a temporary care arrangement for the child(ren) until it is possible to refer the situation to the county welfare agency or the appropriate office of the Division of Youth and Family Services (see N.J.A.C. 10:85-3.2(b)4).

1. Maximum rates: Unless care is available without charge, payment shall be authorized as follows:

i. When the child is placed in a temporary home or shelter, the rate shall not exceed \$5.50 per day per child.

ii. When arrangement is made for temporary care in the child's own home, payment to the individual providing such care shall be at the most reasonable rate available but shall in no event exceed the rate for homemaker service in that community, regardless of the number of children involved.

(k) Emergency assistance payments shall be made by order or check drawn to a vendor or as direct payment to the recipient, in accordance with N.J.A.C. 10:85-4.3.

(l) Services: The following services shall be performed by agency personnel and must, where appropriate, be provided to all cases granted emergency assistance benefits:

1. Information;
2. Referral;
3. Counseling;
4. Assistance in securing shelter, including transportation; and
5. Referral for legal services.

(m) Municipal welfare directors and case workers shall periodically receive training from the DEA targeted to the EA program.

Amended by R.1978 d.171, effective June 1, 1978.  
 See: 10 N.J.R. 150(a), 10 N.J.R. 285(b).  
 Amended by R.1979 d.323, effective August 16, 1979.  
 See: 11 N.J.R. 73(a), 11 N.J.R. 448(c).  
 Amended by R.1980 d.167, effective May 1, 1980.  
 See: 12 N.J.R. 124(a), 12 N.J.R. 279(a).  
 Added (b)1ii.  
 Amended by R.1980 d.538, effective January 1, 1981.  
 See: 12 N.J.R. 585(a), 13 N.J.R. 18(d).  
 (a) "circumstances set . . . procedures and standards" added.  
 Amended by R.1982 d.135, effective May 3, 1982.  
 See: 14 N.J.R. 124(a), 14 N.J.R. 428(b).  
 (b)1ii: Deleted "for victims of domestic violence"; deleted "arrangements in shelters" and added "shelter"; (b)3i added; (b)4i added.  
 Amended by R.1983 d.58, effective March 7, 1983.  
 See: 14 N.J.R. 1342(a), 15 N.J.R. 340(b).  
 Reference to used items deleted.  
 Amended by R.1983 d.328, effective July 25, 1983.  
 See: 15 N.J.R. 938(a), 15 N.J.R. 1378(a).  
 Originally adopted as an Emergency Readoption as R.1983 d.209, effective May 23, 1983, operative June 1, 1983.  
 Internal cites to N.J.A.C., form corrected.  
 Amended by R.1984 d.506, effective November 5, 1984 (operative December 1, 1984).  
 See: 16 N.J.R. 2219(b), 16 N.J.R. 3031(c).  
 Correction: N.J.A.C. 10:85-4.6(a)3 and 4.6(b)5 should have been deleted from code.  
 See: 17 N.J.R. 1802(a).  
 Emergency Amendment effective March 27, 1986 as R.1986 d.131 (expires May 28, 1986).  
 See: 18 N.J.R. 850(a).

Amended by R.1986 d.389, effective September 22, 1986 (operative October 1, 1986).

See: 18 N.J.R. 1343(a), 18 N.J.R. 1962(a).

Deleted "90 days" and substituted "two calendar months".

Correction: (b)1 was adopted on an emergency basis to expire May 28, 1986. Because the rule expired, the text reverted back to original text.

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

Amended by R.1988 d.26, effective January 4, 1988.

See: 19 N.J.R. 1715(a), 20 N.J.R. 96(a).

Substantially amended.

Emergency Adoption, R.1988 d.291, effective June 2, 1988 (expires June 30, 1988).

See: 20 N.J.R. 1484(a).

Added (b)vi and renumbered (b)vi to vii. The changes in this section for the emergency adoption are deleted upon expiration date of June 30, 1988.

Emergency Amendment, R.1988 d.359, effective July 7, 1988 (expires July 31, 1988).

See: 20 N.J.R. 1957(a).

Added new (b)vi and renumbered (b)vi to vii.

Emergency Amendment, R.1989 d.598, effective November 13, 1989 (expires January 12, 1990).

See: 21 N.J.R. 3790(a).

Exclusion for AIDS, HIV and terminally ill EA recipients added at N.J.A.C. 10:85-4.6(b)1i and ii.

Recodified i.-ix. as iii.-xi. with no change in text.

Amended by R.1990 d.33, effective January 16, 1990.

See: 21 N.J.R. 3221(b), 22 N.J.R. 218(a).

Stylistic changes.

Adopted concurrent proposal, R.1990 d.117, effective January 12, 1990.

See: 21 N.J.R. 3790(a), 22 N.J.R. 355(a)

Provisions of emergency amendment R.1989 d.598 readopted with changes, effective February 5, 1990. In (b)1ii: added sentence regarding presumptive entitlement.

Administrative Correction to (b)1: deleted iii and iv; recodified existing v through ix to iii through vii; deleted x and recodified xi to viii.

See: 22 N.J.R. 2171(a).

Amended by R.1991 d.174, effective April 15, 1991 (operative May 1, 1991).

See: 22 N.J.R. 2078(a), 23 N.J.R. 1177(a).

Section was "Emergency grants". Revised EA program to include entitlement to past five-month benefits for those eligible recipients whose initial five-month EA period has expired, and to establish shared MWD and client responsibility toward development of a non-EA shelter arrangement.

#### Law Review and Journal Commentaries

Welfare. Judith Nallin, 134 N.J.L.J. No. 4, 56 (1993); 135 N.J.L.J. No. 16, 52 (1993).

#### Case Notes

Termination of temporary rental assistance after one year violated purpose of the program. *L.T. v. New Jersey Dept. of Human Services, Div. of Family Development*, 134 N.J. 304, 633 A.2d 964 (1993).

Reasonable extensions of temporary rental assistance from available funds should not be denied. *L.T. v. New Jersey Dept. of Human Services, Div. of Family Development*, 134 N.J. 304, 633 A.2d 964 (1993).

Twelve-month limit on receipt of temporary rental assistance General Assistance law. *L.T. v. New Jersey Dept. of Human Services, Div. of Family Development*, 134 N.J. 304, 633 A.2d 964.

Department should not deny reasonable extensions of temporary rental assistance unless claimants have failed to cooperate in pursuit of effective plans. *L.T. v. New Jersey Dept. of Human Services, Div. of Family Development*, 134 N.J. 304, 633 A.2d 964.

Termination of emergency assistance shelter benefits upon expiration of five-month period is valid if new programs make reasonably certain that individuals would find shelter elsewhere when emergency assistance runs out. *Williams v. Department of Human Services*, 116 N.J. 102, 561 A.2d 244 (1989), judgment deferred 121 N.J. 589, 583 A.2d 297, final judgment entered 121 N.J. 667, 583 A.2d 351.

New Jersey General Assistance Law exists so that persons may not suffer unnecessarily from cold, hunger, sickness, or be deprived of shelter. *Williams v. Department of Human Services*, 116 N.J. 102, 561 A.2d 244 (1989), judgment deferred 121 N.J. 589, 583 A.2d 297, final judgment entered 121 N.J. 667, 583 A.2d 351.

No emergency security deposit for illegal housing arrangements. *L.P. v. Jersey City Municipal Welfare Agency*, 92 N.J.A.R.2d (DEA) 45.

Emergency rental assistance extended for lack of notice. *J.C. v. New Brunswick City Welfare Department*, 92 N.J.A.R.2d (DEA) 41.

#### 10:85-4.7 Homemaker service

(a) When illness, death or some other disruption in the normal living pattern of an eligible individual makes the provision of homemaker service essential, the director shall authorize payment for such service, provided it is not otherwise available without cost.

1. Method of payment: Payment for such service shall be made by direct contractual agreement between the welfare department and the agency or individual furnishing the service.

2. Maximum rate: Payment shall not exceed the most reasonable rate for which such service can be obtained in the community.

#### Case Notes

See for historical purposes *Schultz v. Kott*, 131 N.J.Super. 216, 329 A.2d 340 (App. Div. 1974).

#### 10:85-4.8 Funeral and burial expenses

(a) The municipal welfare department shall make payments from General Assistance funds for the expenses of the funeral and burial of the persons identified in (a)1 below in accordance with the limitations set forth in (a)2 below.

1. An eligible person is:

i. A person who was an active recipient of General Assistance at the time of death; or

ii. A person whose eligibility had been established within 15 days prior to death, but for whom no payment of General Assistance had been issued; or

iii. A person who died while a patient in a general hospital and who had been receiving General Assistance at the time of admission to the hospital; or

iv. A person who had received General Assistance at any time within six months prior death.

2. Authorization of payments: