

required by the Uniform Construction Code (see N.J.A.C. 5:23) and/or local ordinance for all repairs or renovations requiring a building permit.

#### 10:44C-6.8 Exits

(a) (No change in text.)

(b) No interior or exterior door, window, or opening in a community residence for persons with head injuries shall be locked, fastened, or blocked, so as to prevent or impede the egress of any person in the residence.

(c) Only commercially available security devices shall be permitted for use with sliding glass exit doors.

(d) Means of egress shall not be obstructed.

#### 10:44C-6.9 Heat sources

(a) Space heaters, including, but not limited to, electrical, kerosene, and quartz heaters, shall be prohibited, unless a waiver is granted by the Office of Licensing.

1. (No change.)

(b) Every home shall have heating facilities that are properly installed, maintained in good and safe working condition, and capable of maintaining all habitable rooms at a temperature of 68 degrees Fahrenheit (18 degrees Celsius) when the outdoor temperature is zero degrees Fahrenheit (-18 degrees Celsius).

(c) (No change.)

#### 10:44C-6.10 Water

(a) Hot and cold running potable water shall be available at all times.

1. The potable water supply from a private well shall be tested at least once every five years by a New Jersey certified laboratory.

(b) Hot water shall not exceed 120 degrees Fahrenheit (49 degrees Celsius) at the tap or be maintained lower than 105 degrees Fahrenheit.

#### 10:44C-6.12 Windows

(a) Every bedroom shall have at least one operable window opening directly to the outside.

1. If a bedroom has only one operable window, it shall not be blocked by an air conditioner or any permanently installed device.

(b)-(c) (No change.)

#### 10:44C-6.13 Bedrooms

(a) Occupancy shall be limited to floors on or above grade level. Bedrooms may be situated in basements under the following conditions:

1.-2. (No change.)

3. There are no other conditions that may adversely affect the health, safety, welfare, or rights of persons with head injuries.

(b)-(f) (No change.)

(g) Each person served shall be provided with the following bedroom furnishings, in good repair, the style of which is consistent with his or her preference, unless otherwise specified by the TDT:

1.-2. (No change.)

3. A box spring of sufficient size, unless a platform bed or spring bed frame is used;

i. Fold-up convertible type beds, roll-aways, cots, hide-a-beds and double deck beds shall be prohibited, unless a situation warrants short-term use.

ii. Vinyl or fabric mattress and box spring protectors shall be designed for that purpose and shall be of fire-resistant material. Any other form of covering, such as shipping plastic, is prohibited.

4.-6. (No change.)

7. One mirror, securely fastened to the wall and/or fastened to a dresser at a height appropriate for the use of the person(s) served occupying the room.

(h) (No change.)

(i) Every bedroom shall have an operable door for privacy.

#### 10:44C-6.15 Kitchens

(a) Kitchens shall be clean and ventilated.

(b)-(c) (No change.)

(d) Refrigeration and storage of food shall be provided at not more than 45 degrees Fahrenheit (seven degrees Celsius). Freezer compartments shall operate at no more than zero degrees Fahrenheit (-18 degrees Celsius).

#### 10:44C-6.17 Maintenance requirements

(a) (No change.)

(b) Accumulation of garbage or waste shall be prevented.

1. All garbage collected for disposal shall be stored in water tight containers with tight fitting covers.

(c) Pest control services shall be arranged in a timely manner when there is evidence of infestation.

1. Agency staff may treat the infestation provided they have been trained by a licensed extermination company and the infestation has been determined to be under control by a licensed extermination company after treatments have been completed. The licensee shall retain documentation of all such training and service.

(d)-(e) (No change.)

## (a)

### DIVISION OF FAMILY DEVELOPMENT

#### New Jersey Supplemental Nutrition Assistance Program (NJ SNAP)

#### SNAP Nondiscrimination Policy and Complaints, SNAP Trafficking and Claims, Shelter and Utility Deductions, Separate Household Status for Disabled Individuals, SNAP Income Exclusions, and Methodology for Determining Standard Utility Allowances

#### Adopted Amendments: N.J.A.C. 10:87-1.11, 1.12, 2.2, 5.9, 5.10, 11.20, 11.21, and 12.1

Proposed: May 2, 2016, at 48 N.J.R. 695(a).

Adopted: November 28, 2016, by Elizabeth Connolly, Acting Commissioner, Department of Human Services.

Filed: January 5, 2017, as R.2017 d.022, with **non-substantial changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

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

Effective Date: February 6, 2017.

Expiration Date: December 16, 2022.

**Summary of Public Comments and Agency Responses:**  
**No comments received.**

#### Summary of Agency-Initiated Changes:

Upon further review, the Department of Human Services (Department) finds it necessary to make non-substantial changes to the rules in order to utilize person-first language. Person-first language emphasizes the person, not the disability. By placing the person first, the disability is no longer the primary, defining characteristic of an individual, but one of several aspects of the whole person. Person-first language is an objective way of acknowledging, communicating, and reporting on disabilities. It eliminates generalizations and stereotypes, by focusing on the person rather than the disability. As such, the Department is changing N.J.A.C. 10:87-2.2(a)2i from: "Any person who is too disabled to purchase or prepare his or her own food, but who has arranged to have his or her food purchased and prepared separate and apart from others ..." to "Any person who has a disability that prevents him or her from purchasing or preparing his or her own food, but who has arranged to have his or her food purchased and prepared separate and apart from others in the household ..." Additionally, the Department is changing N.J.A.C. 10:87-5.10(a)5 from: "A household comprised entirely of homeless individuals ..." to "A household comprised entirely of individuals who are homeless ..."

#### Federal Standards Statement

The adopted amendments contain standards that do not exceed those contained in 7 CFR Part 273; therefore, a Federal standards analysis is not required.

**Full text** of the adoption follows (additions to proposal indicated in boldface with asterisks **\*thus\***; deletions from proposal indicated in brackets with asterisks **\*[thus]\***):

#### SUBCHAPTER 1. GENERAL PROVISIONS

##### 10:87-1.11 Policy of nondiscrimination

CWAs shall not discriminate against any applicant or participant in any aspect of program administration, including, but not limited to, the certification of households, the issuance of benefits, the conduct of fair hearings, or any other program service, for reasons of age, race, color, sex, disability, religious creed, national origin, or political belief, and as otherwise prohibited by State and Federal law.

##### 10:87-1.12 Complaint procedures

(a)-(e) (No change.)

(f) To file a complaint of discrimination directly to USDA, complete the USDA Program Discrimination Complaint Form, found online at [https://www.ascr.usda.gov/sites/default/files/Complain\\_combined\\_6\\_8\\_12\\_508\\_0.pdf](https://www.ascr.usda.gov/sites/default/files/Complain_combined_6_8_12_508_0.pdf), or at any USDA office, or call (866) 632-9992 to request the form, or write a letter containing all the information requested in the form. Send completed complaint forms or letters to: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or e-mail at [program.intake@usda.gov](mailto:program.intake@usda.gov). Individuals who are deaf, hard of hearing, or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (Spanish). USDA is an equal opportunity provider and employer.

#### SUBCHAPTER 2. THE APPLICATION PROCESS

##### 10:87-2.2 Household defined

(a) A household may be composed of any of the following individuals or groups of individuals:

1. (No change.)

2. An individual living with others, but who customarily purchases food and prepares meals for home consumption separate and apart from others.

i. Any person who **\*[is too disabled to purchase or prepare]\*** **\*has a disability that prevents him or her from purchasing or preparing\*** his or her own food, but who has arranged to have his or her food purchased and prepared separate and apart from others **\*in the household\***, may claim separate household status. Separate household status may be granted even if the person who shops for food or prepares meals for the disabled person is residing with the disabled person;

3.-5. (No change.)

(b)-(d) (No change.)

#### SUBCHAPTER 5. FINANCIAL ELIGIBILITY; INCOME

##### 10:87-5.9 Identification of income exclusions

(a) Only the following shall be excluded from household income; no other income shall be excluded:

1.-17. (No change.)

18. The pro-rata share of income of an ineligible alien (see N.J.A.C. 10:87-7.7(c));

19. SNAP benefits from Puerto Rico, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

20. All legally obligated or court-ordered child support payments paid by a household member to, or on behalf of, a non-household member, including payments to a third party on behalf of the non-household member and amounts paid toward arrearages. Alimony payments made to or for a non-household member shall not be excluded as income.

##### 10:87-5.10 Income deductions

(a) Deductions from income will be allowed only for the following expenses of the household:

1.-3. (No change.)

4. Payments for the actual costs for the care of a child or other dependent when necessary for a household member to accept or continue employment, seek employment in compliance with the job-search criteria (or an equivalent effort by those not subject to job-search) or to

attend training or pursue education that is preparatory to employment, shall be deducted. The amount of this deduction shall be the actual cost of such care.

i.-iii. (No change.)

iv. Amounts carried forward from past billing periods are not deductible, even if included with the most recent billing and actually paid by the household. In any event, a particular expense may only be deducted once;

5. A household comprised entirely of **\*[homeless]\*** individuals **\*who are homeless\***, may be entitled to the Homeless Shelter Allowance (HSA).

i. To qualify for the HSA, the household shall incur a monthly out-of-pocket housing expense. A household that claims the HSA may not claim any other shelter or utility deduction.

ii. A homeless household may choose to claim actual shelter costs rather than the HSA, if the actual costs exceed the HSA. Homeless households wishing to claim actual shelter costs shall provide verification of expenses. In the absence of verifications of actual shelter costs, the household shall be provided the HSA; and

6. Monthly shelter costs in excess of 50 percent of the household's income after all other deductions in (a)1, 2, 3, and 4 above have been allowed, shall be deducted. However, in no event shall the shelter deduction exceed the amount in N.J.A.C. 10:87-12.1(b) unless the household contains a member who is elderly or disabled as defined at N.J.A.C. 10:87-2.34. These households shall receive an excess shelter deduction for the monthly costs that exceed 50 percent of the household's monthly income after all other applicable deductions. Households receiving Title II disability payments for dependents of a disabled individual are not eligible for the unlimited excess shelter deduction unless the disabled individual is a member of the household.

i.-iii. (No change.)

iv. Households that incur utility cost(s) separate and apart from their rent or mortgage must be provided the appropriate standard utility deduction in accordance with the following provisions. When a household shares a residence and utility expenses with other individuals, each household shall be provided with the full amount of the appropriate utility deduction. A household may only receive one of the following utility standards:

(1) As required by Section 4006 of the Federal Agricultural Reform Act of 2014, the Heating or Cooling Standard Utility Allowance (HCSUA) is provided to households that incur heating or cooling expenses separate from the rent or mortgage, or to households that have received a Low Income Home Energy Assistance Program (LIHEAP) benefit of greater than \$20.00 in the past 12 months.

(A) As required by 7 CFR 273.9(d)(6)(iii), renters in both private and public rental housing who are billed by the landlord on the basis of individual usage or who are charged a flat rate separately from their rent, are to be provided the HCSUA.

(2) The Limited Utility Allowance (LUA) is provided to households that do not incur heating or cooling expenses separate from the rent or mortgage, but who do incur at least two utility expenses (such as telephone, water, sewerage, etc.).

(3) The Uniform Telephone Allowance (UTA) is provided to households that incur a telephone expense, but who do not incur any other utility expenses.

(b) (No change.)

#### SUBCHAPTER 11. INCORRECT ISSUANCE

##### 10:87-11.20 Claims against households

(a) A recipient claim is an amount owed because of benefits that are over paid or benefits that are trafficked.

(b)-(f) (No change.)

(g) The CWA shall establish a claim before the last day of the quarter following the quarter in which the overpayment or trafficking incident was discovered. The CWA shall ensure that no less than 90 percent of all claim referrals are either established or disposed of according to this timeframe.

1. The CWA shall establish a claim even if the claim cannot be established within the timeframe outlined in this subsection.

- (h) (No change.)
- (i) Rules on notification of a claim are as follows:
- 1.-3. (No change.)
4. The initial demand letter or notice of adverse action shall include language stating:
- i.-xiv. (No change.)
- xv. If allotment reduction is to be imposed, a due date or timeframe to either repay, or make arrangements to repay, the claim in the event that the household stops receiving benefits.
- 5.-6. (No change.)
- (j) (No change.)
- (k) Rules on determining delinquency are as follows:
- 1.-2. (No change.)
3. The date of delinquency for a claim covered at (k)1ii above is the due date of the missed installment payment, unless the claim was delinquent prior to entering into a repayment agreement, in which case the due date will be the due date on the initial notification/demand letter. The claim shall remain delinquent until payment is received in full, allotment reduction is invoked, or if the CWA determines to either resume or renegotiate the payment schedule.
- 4.-5. (No change.)
- (l)-(u) (No change.)
- (v) Retention rates for CWA use are as provided in (v)1 through 4 below:
- 1.-3. (No change.)
4. If the CWA collects an AE claim, the retention rate is zero; and
5. Retention rates do not apply to:
- i. Any reduction in benefits when a household member is disqualified for an IPV;
- ii. The value of court-ordered public services performed in lieu of the payment of a claim; or
- iii. Payments made to a court that are not subsequently forwarded as payment of an established claim.
- (w)-(x) (No change.)
- (y) Trafficking, as used in this section, shall mean:
1. The buying, selling, stealing, or otherwise affecting an exchange of SNAP benefits issued and accessed via Families First cards, card numbers, and personal identification numbers (PINs), or by manual voucher and signature, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone;
2. Pursuant to 7 CFR 271.2, the exchange of firearms, ammunition, explosives, or controlled substances, as defined in 21 U.S.C. § 802, for SNAP benefits;
3. Purchasing a product with SNAP benefits with the intent of obtaining cash by discarding the product and returning the container for the deposit amount, intentionally discarding the product, and intentionally returning the container for the deposit amount;
4. Purchasing a product with SNAP benefits with the intent of obtaining cash or consideration other than eligible food by reselling the product, and subsequently intentionally reselling the product purchased with SNAP benefits in exchange for cash or consideration other than eligible food;
5. Intentionally purchasing products originally purchased with SNAP benefits in exchange for cash or consideration other than eligible food; or
6. Attempting to buy, sell, steal, or otherwise affect an exchange of SNAP benefits issued and accessed via Electronic Benefit Transfer (EBT) cards, card numbers, and personal identification numbers (PINs), or by manual voucher and signatures, for cash or consideration other than eligible food, either directly, indirectly, in complicity or collusion with others, or acting alone.
- 10:87-11.21 Treasury Offset Program
- (a) Rules on the Treasury Offset Program (TOP) are as follows:
1. Procedures for referring debts to TOP are as follows:
- i.-iii. (No change.)
- iv. The CWA shall certify that all claims referred to TOP are 120 days delinquent and legally enforceable.
- v. (No change.)

2.-6. (No change.)

## SUBCHAPTER 12. TABLES

### 10:87-12.1 Income deduction standards

(a) The Standard Deduction shall be that calculated by the United States Department of Agriculture, published annually in the Federal Register pursuant to 7 CFR 273.9(d)(1), and effective October 1 of each year.

(b) The Shelter Deduction shall be that calculated by the United States Department of Agriculture, published annually in the Federal Register pursuant to 7 CFR 273.9(d)(6), and effective October 1 of each year.

(c) Standard utility allowances have been established pursuant to 7 CFR 273.9(d)(6)(iii). A household may qualify for one utility deduction based on household expenses identified in N.J.A.C. 10:87-5.10(a)5. The standard utility allowances available to NJ SNAP households include the Heating and Cooling Standard Utility Allowance (HCSUA), Limited Utility Allowance (LUA), and the Uniform Telephone Allowance (UTA). Standard utility allowances are updated annually on October 1st, and are calculated using the following methodologies:

1. HCSUA. A standard base period amount was established using the "Texas" methodology described in USDA Notice No. 79-47, issued May 25, 1979, and it is updated annually for inflation adjustments. The base period amount shall be updated annually for inflation adjustments using the U.S. Bureau of Labor Statistics' Consumer Price Index-All Urban Consumers for Fuels and Utilities. The current year's index for June shall be compared to the index two years earlier to determine a percent change, and the percent change shall be applied to the prior year's Base Period amount to determine the annual HCSUA. Should the percent change be negative, the previous year's HCSUA shall be utilized.

2. LUA. A base period was established using the "Texas" methodology described in USDA Notice No. 79-47, issued May 25, 1979, and it is updated annually for inflation adjustments. The Base Period amount shall be updated annually for inflation adjustments utilizing the U.S. Bureau of Labor Statistics' Consumer Price Index-All Urban Consumers for All Items. The current year's index for June shall be compared to the index two years earlier to determine a percent change, and the percent change shall be applied to the prior year's Base Period amount to determine the annual LUA. Should the percent change be negative, the previous year's LUA shall be utilized.

3. UTA. A standard base period amount was established by totaling the Verizon Telephone Company's highest regional Flat Rate charge for New Jersey, the FCC subscriber line charge, wire maintenance fees, and applicable Federal tax and it is updated annually for inflation adjustments. The Base Period amount shall be updated annually for inflation adjustments utilizing the U.S. Bureau of Labor Statistics' Consumer Price Index-All Urban Consumers for Telephone Services. The current year's index for June shall be compared to the index two years earlier to determine a percent change, and the percent change shall be applied to the prior year's Base Period amount to determine the annual UTA. Should the percent change be negative, the previous year's UTA shall be utilized.

## LAW AND PUBLIC SAFETY

### (a)

#### DIVISION OF CONSUMER AFFAIRS

#### Telemarketing: Do Not Call Rules

#### Readoption with Amendments: N.J.A.C. 13:45D

Proposed: September 6, 2016, at 48 N.J.R. 1783(a).

Adopted: November 17, 2016, by the Steve C. Lee, Director,  
Division of Consumer Affairs.

Filed: January 10, 2017, as R.2017 d.024, **without change**.

Authority: N.J.S.A. 56:8-1 et seq., 56:8-130, and 56:8-134; and P.L.  
2015, c. 2.