The Department does not anticipate that any jobs will be created or lost as a result of the proposed new rules.

Agriculture Industry Impact
The Department does not anticipate that the proposed new rules would have an impact on the agriculture industry.

Regulatory Flexibility Statement
The proposed new rules would affect local units and authorities affected by an emergency declared by the Governor. The proposed new rules would not impose any reporting, recordkeeping, or compliance requirement on “small businesses,” as defined by the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., nor would the rules require them to obtain any professional services.

Housing Affordability Impact Analysis
There is an extreme unlikelihood that the proposed new rules would evoke a change in the housing production within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan. The proposed new rules, pursuant to N.J.S.A. 40A:4-45.5.b, define extraordinary costs incurred by a local unit directly related to a declared emergency to be treated as an exclusion to a county, municipal, or fire district property tax levy.

Smart Growth Development Impact Analysis
There is an extreme unlikelihood that the proposed new rules would evoke a change in the average costs associated with housing. The proposed new rules, pursuant to N.J.S.A. 40A:4-45.5.b, define extraordinary costs incurred by a local unit directly related to a declared emergency to be treated as an exclusion to a county, municipal, or fire district property tax levy.

Full text of the proposed new rules follows:

CHAPTER 30
LOCAL FINANCE BOARD

SUBCHAPTER 8. FINANCIAL ADMINISTRATION

5:30-3.9 Property tax levy cap exclusion for extraordinary expenses due to emergencies

N.J.S.A. 40A:4-45.5.b authorizes an exclusion to the municipal and county property tax levy cap for “extraordinary costs” related to a declared emergency. For the purpose of this law, “extraordinary costs” are defined as expenditures incurred for the immediate preparation, response, recovery, and restoration of public services due to extreme weather conditions or other catastrophic events that are the subject of a gubernatorial emergency declaration, and only for that portion of costs exceeding the cost of providing services under non-emergency conditions. Such funds can be treated as one-time (non-permanent) property tax levy cap exclusions upon submission and review of certifications describing the expenditures to the Director of the Division of Local Government Services. The amount excluded may be subject to adjustment to account for the receipt of any State or Federal reimbursements.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is exempted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact
The proposed new rules would permit counties, municipalities, and fire districts to budget more effectively due to address a declared emergency.
certifications describing the expenditures to the Director of the Division of Local Government Services, and may be subject to adjustment to account for the receipt of any State or Federal reimbursements.

HUMAN SERVICES

DIVISION OF FAMILY DEVELOPMENT
Work First New Jersey
Work First New Jersey Program Requirements, Housing Subsidy Program, and Supplemental Living Support Program

Proposed Amendments: N.J.A.C. 10:90-1.2, 1.5, 2.2, 2.8, 2.9, 3.5, 3.6, 3.19, 4.1, 6.1, and 15.1

Proposed Repeals: N.J.A.C. 10:90-5.13 and 5.14

Authorized By: Jennifer Velez, Commissioner, Department of Human Services.
Calendar Reference: See Summary below for explanation of exception to calendar requirement.
Proposal Number: PRN 2012-039.
Submit comments by May 4, 2012 to: Miguel Mendez, Administrative Practice Officer
Division of Family Development
P.O. Box 716
Trenton, New Jersey 08625-0716
E-mail: Miguel.Mendez@dshs.state.nj.us

The agency proposal follows:

Summary

As the Department of Human Services (Department) is providing a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Under section 4001 of the Food, Conservation, and Energy Act of 2008, P.L. 110-246, enacted June 18, 2008, the State has the option to use New Jersey Supplemental Nutrition Assistance Program or its acronym “NJ SNAP,” or it may continue to use other State-specific program names. As a result, the Department proposes to replace all references to the term(s) Food Stamp Program, food stamp benefits, or food stamps that are contained throughout the sections proposed for amendment with the term New Jersey Supplemental Nutrition Assistance Program or its acronym “NJ SNAP,” as appropriate. The Department is proposing an amendment to N.J.A.C. 10:90-5.13 to add the acronym “NJ SNAP” to the list of definitions; also, a definition is added to that section for “LWD” to mean the New Jersey Department of Labor and Workforce Development, as that is also an acronym used throughout the amendments proposed below.

The Department proposes amendments to N.J.A.C. 10:90-1.2(f)8 and 9 and 1.5 to provide that eligibility for cash assistance for employable Work First New Jersey (WFN)/General Assistance (GA) applicants shall commence after completing a minimum 28-day employment-related activity participation through the Department of Labor and Workforce Development (LWD). GA cash assistance benefits will not be issued retroactively. The proposed amendments also provide for a 30-day period of ineligibility for applicants who fail to complete the 28-day employment activity without good cause. The penalty shall begin on the date of the denial for failure to complete the assigned activity. The amendment to N.J.A.C. 10:90-1.5 further provides for the availability of immediate need, medical care, and other WFN benefits in accordance with the immediate needs provision at N.J.A.C. 10:90-1.3. NJ SNAP may also be available for these applicants.

N.J.A.C. 10:90-2.2(a) is proposed for amendment to expand upon the eligibility requirements for WFNJ/GA applicants to include that applicants must also participate in a minimum 28-day employment-related activity as determined by LWD, before eligibility can be established.

N.J.A.C. 10:90-2.8(a)15 is proposed for amendment by modifying the existing language to reflect that an applicant or recipient between the ages of 18 and 26 is ineligible for WFNJ/GA, if he or she is being claimed as a dependent by his or her parent or other relative for Federal income tax purposes. The Department also proposes an amendment to paragraph (a)16 by modifying the existing language to reflect that an adult applicant or recipient over age 60 is ineligible for WFNJ/GA if he or she is being claimed as a dependent by his or her adult child or other relative for Federal income tax purposes.

N.J.A.C. 10:90-2.9(a)2(1) is proposed for amendment to require that a WFNJ/GA recipient be classified unemployed by an examining physician for six continuous months before the cash assistance benefit will be adjusted to the unemployed rate.

N.J.A.C. 10:90-3.5 is proposed for amendment to delete all references in Schedule III and IV to income levels, assistance units, and payment levels for households consisting of three or more individuals because GA assistance is only available for single individuals or couples without dependent children.

N.J.A.C. 10:90-3.6 is proposed for amendment to delete all references in Schedule V to assistance units and payment levels for households consists of three or more individuals because GA assistance is only available for single individuals or couples without dependent children.

N.J.A.C. 10:90-3.19(a)13 is proposed for deletion to remove Supplemental Living Support Program payments as an exempt income for eligible WFNJ/TANF and unemployed GA recipients, as this program will be eliminated through the proposed repeal of N.J.A.C. 10:90-14.1 as discussed in the Summary below.

N.J.A.C. 10:90-4.1(a)1 is proposed for amendment to require that for WFNJ/GA applicants, the cooperation process begins at application with the requirement of a minimum 28-day participation in an employment-related activity as determined by LWD before WFNJ eligibility can be established.

The Department proposes to repeal N.J.A.C. 10:90-5.13. The Housing Subsidy Program ended in 2004 because it was unsuccessful in assisting the Department in achieving its goal of providing housing stability for all WFNJ recipients.

The Department also proposes to repeal N.J.A.C. 10:90-5.14. The Supplemental Living Support Program provides an additional $150.00 per month to WFNJ recipients who were exempt from the 60-month time limit on receipt of WFNJ benefits due to unemployability.

Due to program funding cuts, the Department is no longer able to maintain the Supplemental Living Support Program.

The Department proposes to amend N.J.A.C. 10:90-6.1(a) to include that emergency assistance (EA) is also available to recipients of Supplemental Security Income (SSI). Paragraph (a)1 is proposed to include that EA is available to SSI recipients when shelter costs equal or exceed total recorded income and there is no other source of income available to assist in meeting the housing need.

Social Impact

The proposed amendments contained in N.J.A.C. 10:90-1.2 and 1.5, which provide that benefits will not be issued retroactively for employable WFNJ/GA applicants who complete the required minimum 28-day employment-related activity participation through LWD, will initially have a negative impact on applicants because they will receive cash assistance benefits from the date that eligibility is determined, not the application date. However, their emergent needs such as housing, medical care, and transportation will be met during that time in accordance with the immediate need provisions at N.J.A.C. 10:90-1.3. These applicants may also be eligible for the NJ SNAP program.

N.J.A.C. 10:90-2.9(a)2(1) is proposed for amendment to require that for WFNJ/GA applicants who are being claimed as a dependent by his or her adult child or other relative for Federal income tax purposes, the Department also proposes an amendment to paragraph (a)16 by modifying the existing language to reflect that an adult applicant or recipient over age 60 is ineligible for WFNJ/GA if he or she is being claimed as a dependent by his or her adult child or other relative for Federal income tax purposes.

N.J.A.C. 10:90-2.9(a)2(1) is proposed for amendment to require that a WFNJ/GA recipient be classified unemployed by an examining physician for six continuous months before the cash assistance benefit will be adjusted to the unemployed rate.

N.J.A.C. 10:90-3.5 is proposed for amendment to delete all references in Schedule III and IV to income levels, assistance units, and payment levels for households consisting of three or more individuals because GA assistance is only available for single individuals or couples without dependent children.

N.J.A.C. 10:90-3.6 is proposed for amendment to delete all references in Schedule V to assistance units and payment levels for households consists of three or more individuals because GA assistance is only available for single individuals or couples without dependent children.

N.J.A.C. 10:90-3.19(a)13 is proposed for deletion to remove Supplemental Living Support Program payments as an exempt income for eligible WFNJ/TANF and unemployed GA recipients, as this program will be eliminated through the proposed repeal of N.J.A.C. 10:90-14.1 as discussed in the Summary below.

N.J.A.C. 10:90-4.1(a)1 is proposed for amendment to require that for WFNJ/GA applicants, the cooperation process begins at application with the requirement of a minimum 28-day participation in an employment-related activity as determined by LWD before WFNJ eligibility can be established.

The Department proposes to repeal N.J.A.C. 10:90-5.13. The Housing Subsidy Program ended in 2004 because it was unsuccessful in assisting the Department in achieving its goal of providing housing stability for all WFNJ recipients.

The Department also proposes to repeal N.J.A.C. 10:90-5.14. The Supplemental Living Support Program provides an additional $150.00 per month to WFNJ recipients who were exempt from the 60-month time limit on receipt of WFNJ benefits due to unemployability.

Due to program funding cuts, the Department is no longer able to maintain the Supplemental Living Support Program.

The Department proposes to amend N.J.A.C. 10:90-6.1(a) to include that emergency assistance (EA) is also available to recipients of Supplemental Security Income (SSI). Paragraph (a)1 is proposed to include that EA is available to SSI recipients when shelter costs equal or exceed total recorded income and there is no other source of income available to assist in meeting the housing need.

Social Impact

The proposed amendments contained in N.J.A.C. 10:90-1.2 and 1.5, which provide that benefits will not be issued retroactively for employable WFNJ/GA applicants who complete the required minimum 28-day employment-related activity participation through LWD, will initially have a negative impact on applicants because they will receive cash assistance benefits from the date that eligibility is determined, not the application date. However, their emergent needs such as housing, medical care, and transportation will be met during that time in accordance with the immediate need provisions at N.J.A.C. 10:90-1.3. These applicants may also be eligible for the NJ SNAP program.

N.J.A.C. 10:90-2.9(a)2(1) is proposed for amendment to require that for WFNJ/GA applicants who are being claimed as a dependent by his or her adult child or other relative for Federal income tax purposes, the Department also proposes an amendment to paragraph (a)16 by modifying the existing language to reflect that an adult applicant or recipient over age 60 is ineligible for WFNJ/GA if he or she is being claimed as a dependent by his or her adult child or other relative for Federal income tax purposes.

N.J.A.C. 10:90-2.9(a)2(1) is proposed for amendment to require that a WFNJ/GA recipient be classified unemployed by an examining physician for six continuous months before the cash assistance benefit will be adjusted to the unemployed rate. Recipients

(The CITE 44 N.J.R. 544) NEW JERSEY REGISTER, MONDAY, MARCH 5, 2012)