**HUMAN SERVICES**

**DIVISION OF FAMILY DEVELOPMENT**

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

**Proposed Amendment:** **N.J.A.C. 10:87-2.2**

Authorized By: Sarah Adelman, Commissioner, Department of Human Services.

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

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2024-014.

Submit comments by April 5, 2024, to:

Megan R. Mazzoni, Administrative Practice Officer

Division of Family Development

PO Box 716

Trenton, New Jersey 08625-0716

Or email: [DFD-Regulations@dhs.nj.gov](mailto:DFD-Regulations@dhs.nj.gov)

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.

The Division of Family Development proposes an amendment at N.J.A.C. 10:87-2.2(c)3 that will update the language to better define, clarify, and make inclusive the term “spouse,” which should be understood to include all individuals legally married, in a domestic partnership, or in a civil union. The proposed amendment will make the chapter language consistent with the Domestic Partnership Act, P.L. 2003, c. 246, codified at N.J.S.A. 26:8A-1 et seq., approved January 12, 2004, and New Jersey’s civil union law, P.L. 2006, c. 103, approved December 21, 2006.

**Social Impact**

The proposed amendment will have a positive social impact as the language is more inclusive of the legally recognized spousal and partner relationships in New Jersey and will explicitly list the relationships recognized pursuant to the legal definition of spouse within the State. The proposed amendment will not expand New Jersey Supplemental Nutrition Assistance Program (NJ SNAP) eligibility, but simply update the terminology used at N.J.A.C. 10:87-2.2.

**Economic Impact**

The proposed amendment will not result in an economic impact since it does not affect client eligibility for NJ SNAP or the amount of benefits provided by the program. The existing rule provides that spouses must be members of the same NJ SNAP household and that the term “spouse” includes persons recognized as such by State law. The proposed amendment updates the terminology to mirror the relationships recognized pursuant to the legal definition of spouse within the State, but does not expand NJ SNAP eligibility, because the persons covered by the amended language are already considered spouses pursuant to the existing rule’s provision, including persons recognized as spouses by State law.

**Federal Standards Statement**

The proposed amendment contains standards that do not exceed those contained at 7 CFR 272 and 273.

**Jobs Impact**

The proposed amendment will not result in the generation or loss of jobs.

**Agriculture Industry Impact**

The proposed amendment will not have an impact on the agriculture industry.

**Regulatory Flexibility Statement**

The proposed amendment has been reviewed with regard to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendment imposes no reporting, recordkeeping, or other compliance requirements on small businesses and, thus, a regulatory flexibility analysis is not required. The proposed amendment governs client eligibility for NJ SNAP.

**Housing Affordability Impact Analysis**

The proposed amendment will have no impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the proposed amendment would evoke a change in the average costs associated with housing because the proposed amendment governs eligibility for NJ SNAP benefits.

**Smart Growth Development Impact Analysis**

The proposed amendment will have an insignificant impact on smart growth and there is an extreme unlikelihood that the proposed amendment would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey because the proposed amendment governs client eligibility for NJ SNAP.

**Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 2. THE APPLICATION PROCESS

10:87-2.2 Household defined

(a)-(b) (No change.)

(c) In no event shall nonhousehold member status or separate household status be granted to:

1.-2. (No change.)

3. A spouse of a member of the household. For the purposes of this Program, the term "spouse" shall include persons [recognized by applicable State law as such and persons representing themselves as husband and wife to the community, relatives, friends, neighbors or trades people] **who are legally married pursuant to New Jersey law, as well as individuals in a domestic partnership, pursuant to N.J.S.A. 26:8A-1 et seq., and civil union partners, pursuant to N.J.S.A. 37:1-28 et seq.**; or

4. (No change.)

(d) (No change.)