

(d) Unit owners who believe that the association is acting contrary to this chapter or any applicable law, may petition a court of competent jurisdiction for relief at any time without filing a complaint with the Department.

1. When a complaint is filed in a court of competent jurisdiction, the Department shall be provided with a filed copy and then the Department shall hold its action in abeyance pending the court decision.

(e) The Department may levy and collect fines and may issue penalties as set forth in N.J.A.C. 5:26-11.

1. For associations that are controlled by unit owners, the Department may issue cease and desist orders, may issue a monetary penalty, may transmit the case to the Office of Administrative Law, or may file an action in the Superior Court.

2. In addition to the penalties listed above, for associations that are controlled by the developer, the Department may issue a revocation of registration.

HUMAN SERVICES

(a)

DIVISION OF FAMILY DEVELOPMENT

Work First New Jersey General Assistance WFNJ/GA Eligibility for Applicants and Recipients Claimed as Dependents

Proposed Amendment: N.J.A.C. 10:90-2.8

Authorized By: Carole Johnson, 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 2019-066.

Submit comments by August 2, 2019, to:

Miguel Mendez, Administrative Practice Officer
Division of Family Development
PO Box 716
Trenton, New Jersey 08625-0716
or via email to: DFD-Regulations@dhs.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.

The proposed amendment at N.J.A.C. 10:90-2.8(a)15 is designed to improve access to Work First New Jersey/General Assistance (WFNJ/GA) by removing a presumption of financial dependence imposed upon applicants or recipients who are claimed as dependents on their parents' or other relatives' U.S. Individual Income Tax Return but are not receiving financial or other assistance from those parents or relatives. Currently, applicants or recipients between the ages of 18 and 26, who are claimed as dependents, are prohibited from receiving WFNJ/GA, unless their circumstances have changed since being claimed as a dependent. The Division of Family Development (Division) understands that requiring an applicant or recipient to demonstrate a change in circumstances has proven arbitrarily prohibitive.

Social Impact

The proposed amendment will have a positive social impact on WFNJ/GA applicants and recipients between the ages of 18 and 26 who are claimed as dependents but are otherwise eligible for assistance. The proposed amendment will make WFNJ/GA benefits more accessible for these individuals.

Economic Impact

The proposed amendment is likely to have a minimal economic impact on the State due to a small increase in the number of WFNJ/GA recipients. There will be a significant economic impact to those individuals who will become eligible for WFNJ/GA financial assistance.

Federal Standards Statement

The proposed amendment is not subject to any Federal requirements or standards; therefore, a Federal standards analysis is not applicable to this rulemaking.

Jobs Impact

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

Agriculture Industry Impact

The proposed amendment will have no 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 expands WFNJ/GA eligibility.

Housing Affordability Impact Analysis

The proposed amendment will have an insignificant 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 expands access to WFNJ/GA.

Smart Growth Development Impact Analysis

The proposed amendment will have no 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, under the State Development and Redevelopment Plan in New Jersey because the proposed amendment expands access to WFNJ/GA.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department of Human Services 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. NON-FINANCIAL ELIGIBILITY REQUIREMENTS

10:90-2.8 Individuals ineligible for WFNJ TANF/GA

(a) The following persons shall not be eligible for assistance and shall not be considered to be members of the WFNJ/TANF or WFNJ/GA assistance units:

1.-13. (No change.)

14. A person who is seeking legal guardianship of an unrelated child[.];

i. Although ineligible for TANF benefits, when needed, the WFNJ agency shall provide contact information to these cases for assistance in obtaining guardianship[.]; **and**

[15. A WFNJ/GA applicant or recipient between the ages of 18 and 26 who is claimed as a dependent on his or her parent(s)' or other relative's U.S. Individual Income Tax Return (1040 forms) regardless of whether or not he or she is residing in the same household.

i. If the individual's circumstances have changed since being claimed as a dependent, then he or she shall be reevaluated for WFNJ/GA eligibility; and]

[16.] **15.** (No change in text.)

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