

## (a)

## DIVISION OF FAMILY DEVELOPMENT

## Families First Program

## New Jersey Supplemental Nutrition Assistance Program

## Updates Relating to Aging and Expungement of NJ SNAP and WFNJ Benefits

## Adopted Repeal and New Rule: N.J.A.C. 10:88-4.2

## Adopted Amendments: N.J.A.C. 10:87-2.26, 9.11, and 11.20; and 10:88-1.2, 1.3, 1.4, 2.3, 3.1, 4.1, 6.2, and 6.3

## Adopted Repeals: N.J.A.C. 10:88-4.3 and 4.4

Proposed: November 7, 2022, at 54 N.J.R. 2062(a).

Adopted: May 30, 2023, by Sarah Adelman, Commissioner, Department of Human Services.

Filed: May 31, 2023, as R.2023 d.083, **without change**.

Authority: N.J.S.A. 30:1-12; 7 U.S.C. §§ 2011 et seq.; and 7 CFR Part 271.

Effective Date: July 3, 2023.

Expiration Dates: November 16, 2029, N.J.A.C. 10:87; July 12, 2028, N.J.A.C. 10:88.

## Summary of Public Comment and Agency Response:

The official comment period ended January 6, 2023. **No comments were received.**

## Federal Standards Statement

The adopted amendments, repeals, and new rule implement the Federal requirements at 7 U.S.C. § 2016 and 85 CFR 52025. The Department has reviewed the applicable Federal laws and regulations and that review indicates that the adopted amendments, repeals, and new rule do not exceed Federal standards. Therefore, a Federal standards analysis is not required.

Full text of the adopted amendments and new rules follows:

## CHAPTER 87

## NEW JERSEY SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (NJ SNAP) MANUAL

## SUBCHAPTER 2. THE APPLICATION PROCESS

## 10:87-2.26 Normal processing standard

(a) (No change.)

(b) An opportunity to participate consists of issuing benefits to the household's Families First account in accordance with any staggered issuance procedure that has been established by a CWA. The Families First card is the standard method of distributing NJ SNAP program benefits, serving also to provide cash benefits for Temporary Assistance for Needy Families and Debt Reduction Act child support bonus payments to eligible households.

1. At the time that a CWA certifies a household's eligibility to receive benefits, the State's automated case file and issuance system (also known as FAMIS), creates a Families First account on the Families First automated account network. A Families First card shall be made available to the household not later than 30 days after the application for NJ SNAP benefits, if eligible. The CWA then contacts the household for an initial training session and the selection of a Personal Identification Number (PIN).

2.-3. (No change.)

(c) (No change.)

## SUBCHAPTER 9. CERTIFICATION-RELATED PROCEDURES

## 10:87-9.11 Procedures for expungement of electronic NJ SNAP benefits

Unused NJ SNAP benefits will remain accessible to the household until they are expunged from the EBT account pursuant to N.J.A.C. 10:88-4.2.

## SUBCHAPTER 11. INCORRECT ISSUANCE

## 10:87-11.20 Claims against households

(a)-(o) (No change.)

(p) Collection methods for claims are as follows:

1. (No change.)

2. Rules on collecting benefits from EBT accounts are as follows:

i. The CWA shall allow a household to pay its claim using benefits from its EBT account in accordance with N.J.A.C. 10:88-6.2. The CWA shall comply with the following EBT claims collection and adjustment requirements:

(1) For collecting from active EBT benefits, the CWA needs written permission, which may be obtained in advance and done in accordance with (p)2iii below; or oral permission for one time reductions with the CWA sending the household a receipt of the transaction within 10 days. The retention rates described at (v) below apply to this collection.

(2) For collecting from expunged EBT benefits, the CWA shall mail or otherwise deliver to the household, written notification that expunged benefits will be applied to any outstanding claim. The retention rates described at (v) below apply to this collection.

(3) (No change.)

ii.-iii. (No change.)

3.-9. (No change.)

(q)-(y) (No change.)

## CHAPTER 88

## FAMILIES FIRST PROGRAM

## SUBCHAPTER 1. GENERAL PROVISIONS

## 10:88-1.2 Authority

(a) The operation of a public assistance EBT system is authorized by both Federal and State laws and rules.

(b) (No change.)

(c) Federal law concerning EBT may be found at 7 U.S.C. § 2016 and 7 CFR Part 274.

(d)-(f) (No change.)

## 10:88-1.3 Properties of Families First accounts

(a) Families First accounts have the following properties:

1.-2. (No change.)

3. Account balances which are not used by a recipient in the month of issuance shall be carried forward into the following month. A recipient shall access their account periodically in order to avoid benefit expungement, pursuant to N.J.A.C. 10:88-4.2.

4.-5. (No change.)

## 10:88-1.4 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

...

"Benefit" means the value of cash or NJ SNAP assistance provided to a household through an EBT card.

...

"Expungement" means permanent removal of benefits from a Families First account.

...

"Inactive account" means an account where the household has not taken any action that affects the balance of the account, such as making a purchase, return, or cash withdrawal.

...

"Supplemental Nutrition Assistance Program (SNAP)" means the program operated pursuant to the Food and Nutrition Act of 2008.

...

## SUBCHAPTER 2. RECIPIENT TRAINING

## 10:88-2.3 Card issuance.

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

(c) The payee shall receive training on the following items:

1.-10. (No change.)

11. The expungement process, as specified at N.J.A.C. 10:88-4.2.  
(d)-(e) (No change.)

### SUBCHAPTER 3. CARD UTILIZATION

#### 10:88-3.1 Obtaining benefits

- (a)-(c) (No change.)  
(d) NJ SNAP benefits shall not be converted into cash.  
(e)-(g) (No change.)

### SUBCHAPTER 4. INACTIVE ACCOUNTS AND EXPUNGEMENT OF BENEFITS

#### 10:88-4.1 Overview

The Families First system shall expunge Families First cash and NJ SNAP benefits in accordance with N.J.A.C. 10:88-4.2.

#### 10:88-4.2 Expungement of Families First NJ SNAP and cash benefits

(a) NJ SNAP and cash assistance benefits that are 274 days old or older shall be expunged from the EBT account when the EBT account has been inactive for 274 days.

1. At least 30 days prior to the expungement of NJ SNAP or cash benefits, the Department shall provide a household with a written pre-expungement notice informing the household that the EBT account is inactive and the date that benefits will be expunged should the account remain inactive. The notice shall also include the steps necessary to prevent the expungement.

2. On the 274th day of account inactivity, any benefits on the EBT account that are older than 274 days will be expunged. Any benefits on the account that are under 274 days old will remain available on the account until the benefit reaches the 274th day.

3. Should the account subsequently become active, the expungement timeline for the remaining unexpunged benefits will reset until the account has been inactive for another 274 days.

(b) Benefits may be immediately expunged without notice in situations where it has been verified that all recipient members of the household are deceased.

### SUBCHAPTER 6. FISCAL PROCEDURES

#### 10:88-6.2 NJ SNAP claims

- (a) (No change.)  
(b) Any payments made using Families First NJ SNAP benefits should be reported on line 15 of the FNS-209, Status of Claims Against Households report.  
(c) (No change.)  
(d) CWAs shall offset Families First NJ SNAP benefits that have been expunged against outstanding NJ SNAP claims. This collection would then be reported on line 3(b) of the FNS-209 report.

#### 10:88-6.3 WFNJ cash claims

- (a) CWAs shall offset Families First cash benefits that have been expunged against outstanding cash claims.  
(b) Expunged Families First cash benefits shall be credited on the CWA's fiscal reports.

## LAW AND PUBLIC SAFETY

### (a)

#### DIVISION OF CRIMINAL JUSTICE

#### DIVISION OF STATE POLICE

#### DNA Database and Databank Rules

#### Readoption: N.J.A.C. 13:81

Proposed: July 5, 2022, at 54 N.J.R. 1258(a).

Adopted: May 25, 2023, by Matthew J. Platkin, Attorney General of New Jersey, and Colonel Patrick J. Callahan, Superintendent, New Jersey State Police.

Filed: May 26, 2023, as R.2023 d.080, **without change**.

Authority: N.J.S.A. 53:1-20.17 et seq.

Effective Date: May 26, 2023.

Expiration Date: May 26, 2030.

#### Summary of Public Comment and Agency Response:

The official comment period ended on September 3, 2022. **No comments were received.**

#### Federal Standards Statement

A Federal standard analysis is not required because the readopted rules do not exceed Federal standards. New Jersey's DNA database rules are consistent with the FBI's requirements for indexing, quality assurance, and proficiency testing for forensic DNA analysis that are set forth in the incorporated Federal documents.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 13:81.

### (b)

#### OFFICE OF THE ATTORNEY GENERAL Notice of Readoption Safe and Secure Communities Program Readoption: N.J.A.C. 13:79

Authority: N.J.S.A. 52:17B-168.

Authorized By: Matthew J. Platkin, Attorney General.

Effective Date: May 30, 2023.

New Expiration Date: May 30, 2030.

**Take notice** that pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 13:79 were scheduled to expire on July 7, 2023. These rules establish standards for the awarding of initial and successive grants for law enforcement personnel from the Safe Neighborhoods Services Fund pursuant to the Safe and Secure Communities Act. The rules also establish guidelines for the receipt of program funds, including application procedures for local law enforcement agencies seeking grant funding for the salaries of police officers and other law enforcement personnel employed in a law enforcement project, as well as procedures to ensure grantee accountability.

The Division of Criminal Justice has reviewed this chapter and finds that it continues to be necessary, reasonable, and appropriate for the purpose for which it was adopted, and is, readopting it without change. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

## TRANSPORTATION

### (c)

#### CAPITAL PROGRAM MANAGEMENT

#### CAPITAL PROGRAM SUPPORT

#### Utility Accommodation

#### Readoption with Amendments: N.J.A.C. 16:25

Proposed: March 6, 2023, at 55 N.J.R. 345(a).

Adopted: June 6, 2023, by Diane Gutierrez-Scaccetti,

Commissioner, Department of Transportation.

Filed: June 6, 2023, as R.2023 d.085, **without change**.

Authority: N.J.S.A. 27:1A-5, 27:1A-6, and 27:7-19; 40:62-35 and 40:62-134; 48:2-80 et seq.; 48:5A-1, 48:7-1 et seq.; 48:7-2 et seq.; 48:9-17 and 48:9-25.4; 48:13-10; 48:17-8 and 48:17-16; and 48:19-17.