

**STATE OF NEW JERSEY**  
**DEPARTMENT OF HUMAN SERVICES**  
**NOTICE OF RULE WAIVER PURSUANT TO EXECUTIVE ORDER NO. 103**  
**(MURPHY)(MARCH 9, 2020)**  
**COVID-19 STATE OF EMERGENCY**

Temporary Rule Suspension adopted by Commissioner Carole Johnson, Department of Human Services

**Date:** April 2, 2020

**Authority:** N.J.S.A. App.A:9-45 & App. A:9-47; Executive Order No. 103 (Murphy)(“EO 103”)

**Effective Date:** April 2, 2020

**Expiration Date:** Concurrent with end of EO 103

This is an emergency adoption of a temporary rule suspension of certain WorkFirst NJ – Emergency Assistance (EA) regulations at N.J.A.C. 10:90. Section 6 of EO 103, issued in response to the COVID-19 pandemic, authorizes agency heads to waive any existing rule, where the enforcement of the rule would be detrimental to the public welfare during the emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary. Pursuant to that authority, and with the approval of the Governor and in consultation with the State Director of Emergency Management and the Commissioner of the Department of Health, the Department of Human Services is suspending its rules as follows:


**N.J.A.C. 10:90-6.1(c)(3)** requires a six-month penalty if an EA applicant or recipient has caused his or her own homelessness without good cause. This requirement is temporarily suspended. The suspension of this regulation is necessary in light of the COVID-19 emergency to avoid causing extreme hardships to eligible families.

**N.J.A.C. 10:90-6.4** limits EA to 12 cumulative months during the lifetime of the case. Cases are closed once the 12-month period is exhausted. The requirement that cases be closed when an active EA recipient reaches 12 months is temporarily suspended. The suspension of this regulation is necessary in light of the COVID-19 emergency to avoid causing extreme hardships to eligible families.

**N.J.A.C. 10:90-6.6(a)(1)** requires that an EA Service Plan be developed within ten days of the EA authorization date. This regulation will be suspended to allow the County Welfare Agencies to temporarily suspend creating service plans for EA applicants/recipients. The suspension of this regulation is necessary in light of the COVID-19 emergency so that individuals who are homeless or at risk of homelessness will not be penalized for failure to comply with components of service plans.

I find that suspension of the rules identified above is necessary because enforcement of the existing rules would be detrimental to the public welfare during this emergency.

April 2, 2020  
Date

  
Carole Johnson  
Commissioner, Department of Human Services