

WAIVER REQUEST - NEW JERSEY

1. **TYPE OF REQUEST:** Initial
2. **REGULATION CITATION:** 7 CFR 273.18(d)(1) and (e)(5); and 273.18(n)
3. **STATE:** New Jersey
4. **REGION:** Mid-Atlantic Region
5. **REGULATORY REQUIREMENTS:**

In accordance with 7 CFR 273.18(d)(1) the State agency must ensure that 90% of claim referrals are either established or disposed by the last day of the quarter following the quarter in which the overissuance was discovered.

In accordance with 7 CFR 273.18(e)(5) a claim must be considered delinquent if a payment is not made by the due date and a repayment agreement has not been made (273.18(e)(5)(i)(A)) or if a payment arrangement has been made and a scheduled payment has not been made by the due date (273.18(e)(5)(i)(B)).

In accordance with 7 CFR 273.18(n)(1) the State agency must refer all debts that have been delinquent for a set amount of time to TOP for offset.

6. **DESCRIPTION OF ALTERNATIVE PROCEDURES:** New Jersey is operating under a State of Emergency declared by Governor Murphy on March 9, 2020 relating to the public health crisis caused by the coronavirus. There are currently 4,402 people in NJ who are positive for COVID-19 with positive cases reported in every county. (Retrieved from <https://covid19.nj.gov/> on March 25, 2020 at 16:00 hours). Social distancing is the primary non-hygiene related preventative measure identified to prevent the spread of this communicable disease.

On March 13, 2020, President Trump declared “that the COVID-19 outbreak in the United States constitutes a national emergency” retroactive to March 1, 2020. On Saturday March 21, 2020, Governor Murphy issued Executive Order 107 referred to as the Stay At Home order. EO 107 closed all non-essential retail operations in the state. While necessary to mitigate the public health threat, the closure of non-essential businesses has resulted in a dramatic increase in the amount of newly unemployed individuals who are now faced with maintaining themselves without their earned income.

In an effort to mitigate any potential long-term economic repercussions from failing to make a timely payment on an outstanding SNAP debt, and to provide these individuals with some immediate economic relief, New Jersey proposes to waive the rule requiring claims be considered Delinquent for individuals who fail to make a timely repayment.

New Jersey will continue to process repayments that are received from households via cash, check and/or allotment reductions; however, should a household fail to make a timely payment, or in the instance that a local office fails to register a payment timely, the claim will not be considered delinquent. Upon the conclusion of this waiver, claim processing will resume normal operations. Households will need to make a payment by the due date following the expiration of this waiver. For example, if the waiver expires at

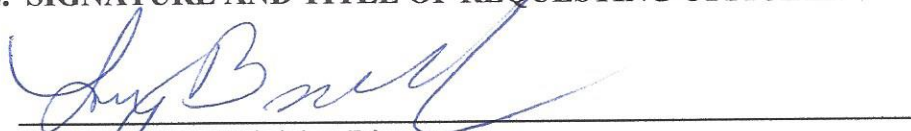
the end of September the household would need to make the regular October payment by the due date to prevent the claim from becoming delinquent.

New Jersey has selected the option to place all debts that have been referred to the Treasury Offset Program on Hold for three months to prevent any collections from a TOP offset. The purpose of this waiver is to suspend the establishment of delinquency dates due to missed and/or untimely payments during this public health emergency which, if not suspended, could have significant downstream repercussions when New Jersey resumes normal operations in the future. Additionally, this waiver will ensure that New Jersey is held harmless for any potential administrative findings relating to the untimely establishment of claims and/or referrals to TOP.

7. **JUSTIFICATION FOR REQUEST:** This request is justified pursuant to 7 CFR 272.3(c)(1)(iii) which permits FNS to authorize waivers when “unique geographic or climatic conditions within a State preclude effective implementation of the specific regulatory provision and require an alternate procedure.” The COVID-19 pandemic has caused significant disruptions in the administration of SNAP offices throughout the state of New Jersey. Additionally, the Families First Coronavirus Response Act (P.L. 116-127) which permits broad authority for the USDA to approve adjustments in “issuance methods and application and reporting requirement under the Food and Nutrition Act of 2008”.
8. **ANTICIPATED IMPACT ON HOUSEHOLDS AND STATE AGENCY OPERATIONS:** New Jersey believes that this waiver will improve the public health response to the spread of the coronavirus.
9. **CASELOAD INFORMATION, INCLUDING PERCENT, CHARACTERISTICS, AND QUALITY CONTROL ERROR RATE FOR AFFECTION PORTION:** There are approximately 105,000 claims currently in the process of repayment.

ANTICIPATED IMPLEMENTATION DATE AND TIME PERIOD FOR WHICH WAIVER IS NEEDED: This waiver would be implemented immediately upon approval and would remain in effect for six months or until the New Jersey State of Emergency is lifted, whichever is later.

10. **PROPOSED QUALITY CONTROL REVIEW PROCEDURES:** This waiver is not subject to quality control review or procedures. No special QC procedures are required for cases subject to the provisions of this waiver. Cases will be reviewed using standard review procedures in the FNS Handbook 310.
11. **STATE AGENCY SUBMITTING WAIVER REQUEST AND STATE CONTACT PERSON:**
New Jersey Department of Human Services, Division of Family Development
Natasha Johnson, Assistant Commissioner
12. **SIGNATURE AND TITLE OF REQUESTING OFFICIAL:**



Title: Assistant Division Director

Email for transmission of response: Larry.braasch@dhs.nj.gov

13. **DATE OF REQUEST:** March 25, 2020

14. **REGIONAL OFFICE CONTACT PERSON (TO BE COMPLETED BY FNS REGIONAL OFFICE)**