

ASSEMBLY, No. 2362

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 7, 2022

Sponsored by:

Assemblyman ROY FREIMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

SYNOPSIS

Requires DHS to submit federal waiver request regarding time limits for certain SNAP recipients under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/14/2022)

A2362 FREIMAN, MOSQUERA

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1 AN ACT concerning waiver requests for certain eligibility
2 requirements under the Supplemental Nutrition Assistance
3 Program, and amending P.L.2016, c.11.

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5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

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8 1. Section 1 of P.L.2016, c.11 (C.44:10-105) is amended to read
9 as follows:

10 1. a. Immediately upon the effective date of **[this act]** P.L. ____,
11 c. ____ (C. ____)(pending before the Legislature as this bill), provided
12 that the federal Public Health Emergency declared by the Secretary
13 of Health and Human Services on January 30, 2020 has expired, or
14 within 30 days of the expiration of that federal Public Health
15 Emergency, the Commissioner of Human Services shall submit to the
16 Food and Nutrition Service within the United States Department of
17 Agriculture a request for a waiver, as authorized by 7 C.F.R.
18 273.24(f), of the time limit on benefits for able bodied adults without
19 dependents who participate in the Supplemental Nutrition Assistance
20 Program. The commissioner shall seek either a Statewide waiver for
21 time limits on benefits for this population, or a waiver for select
22 geographic areas of the State.

23 b. **[and at]**At least once annually thereafter the submission of
24 the waiver pursuant to subsection a. of this section, the
25 **[Commissioner of Human Services]** commissioner shall conduct a
26 review of available data on labor and employment in the State
27 produced by the Department of Labor and Workforce Development
28 and the federal Bureau of Labor Statistics]. The purpose of the
29 review shall be] in order to determine whether to submit a subsequent
30 request for a waiver of the benefit time limit for able bodied adults
31 without dependents participating in the Supplemental Nutrition
32 Assistance Program [as authorized by 7 C.F.R. 273.24(f), either
33 throughout the State or in any geographic area of the State]. The
34 review shall consider each criterion of eligibility for a waiver as well
35 as the availability of opportunities that will fulfill the work
36 requirement described in 7 C.F.R. 273.24(a). Based on the annual
37 review conducted pursuant to this [section] subsection, the
38 commissioner shall [determine whether to] submit a request for a
39 waiver, when in compliance with federal guidance, either for the
40 entire State, if all geographic areas in the State meet the waiver
41 eligibility criteria, or for any geographic areas of the State that meet
42 such eligibility criteria.

43 (cf: P.L.2016, c.11, s.1)

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 2. This act shall take effect on the first day of the second month
2 next following enactment, except the Commissioner of Human
3 Services may take any anticipatory administrative action as shall be
4 necessary for the implementation of this act.

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STATEMENT

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9 This bill requires the Commissioner of Human Services to apply
10 for a federal waiver of the Supplemental Nutrition Assistance
11 Program (SNAP) benefit time limit for able-bodied adults without
12 dependents (ABAWD), either for the entire State or for any
13 geographic areas in the State that meet federal waiver criteria. Under
14 current law, ABAWDs are eligible for SNAP benefits for three
15 months over a three-year period, unless the individual works a
16 minimum of 20 hours per week, participates in a work program for
17 20 hours per week, participates in a workfare program, is pregnant,
18 has a physical or mental disability that prohibits work, has an
19 individual under the age of 18 in the same household, or is exempt
20 from the general work requirements for SNAP.

21 Pursuant to the federal Families First Coronavirus Response Act
22 Pub.L.116-127, the United States Department of Agriculture (USDA)
23 partially suspended the ABAWD benefit time limit, except for an
24 individual who fails to comply with either a work program or
25 workfare program offered by the state in compliance with federal
26 law. This partial suspension of the ABAWD time limit is in effect
27 for the period beginning April 1, 2020 through the end of the month
28 following the month in which the federal COVID Public Health
29 Emergency (PHE) expires. Accordingly, the bill directs the
30 commissioner to submit the waiver application upon the expiration
31 of the PHE, or upon the effective date of the bill, if the PHE has
32 already expired.

33 This bill also clarifies current law by requiring the commissioner
34 to review State labor and employment data annually, and
35 subsequently submit a request for a waiver of the ABAWD benefit
36 time limit, when in compliance with federal guidance, either for the
37 entire State or for any geographic areas in the State that meet federal
38 waiver criteria. Existing statute simply directs the commissioner to
39 review State labor and employment data, provided by the Department
40 of Labor and Workforce Development and the federal Bureau of
41 Labor Statistics, and determine whether to submit a waiver request.

42 Federal criteria for these waivers, established pursuant to 7 U.S.C.
43 s.2015(o)(4) and 7 C.F.R. 273.24(f), specify that the USDA may
44 waive the ABAWD benefit time limit either statewide or in areas of
45 a state that: (1) have an unemployment rate of over 10 percent or (2)
46 do not have a “sufficient number of jobs to provide employment” to
47 the ABAWD population living therein. Federal regulation also
48 specifies the types and sources of employment data that a state may

1 submit in support of a waiver application. The USDA typically
2 approves a state's waiver application for a period of twelve months.
3 According to the USDA, in January 2020, prior to the partial
4 suspension of the ABAWD benefit time limit in response to the
5 COVID public health crisis, two states, the District of Columbia, and
6 the U.S. Virgin Islands operated under statewide ABAWD time limit
7 waivers, while an additional 15 states had ABAWD waivers
8 approved for certain geographic areas within state boundaries. New
9 Jersey was one of 34 states and territories without a waiver for the
10 ABAWD time limit on SNAP benefits prior to the COVID outbreak.