

ASSEMBLY HUMAN SERVICES COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2360

STATE OF NEW JERSEY

DATED: MAY 12, 2022

The Assembly Human Services Committee reports favorably Assembly Bill No. 2360 (1R).

This bill, provides that participation in the New Jersey Supplemental Nutrition Assistance Program (NJ SNAP) Employment and Training Program (ETP) is voluntary. Under an all-voluntary program, Supplemental Nutrition Assistance Program (SNAP) recipients choose whether or not to participate in the ETP, with no adverse consequences for participants' SNAP benefits. This provision ensures that additional food insecure households in New Jersey maintain eligibility for SNAP benefits, and maximizes federal dollars available through the SNAP ETP. SNAP, which is funded by the Food and Nutrition Service (FNS) in the United States Department of Agriculture (USDA), but is administered by the states, is a nutrition assistance program that serves as a safety net for low-income households.

Under the bill, both the Department of Human Services and a county welfare agency are prohibited from requiring a SNAP recipient to participate in a NJ SNAP ETP activity or a NJ SNAP ETP Provider 50/50 Match Project in order to be deemed eligible for SNAP benefits. The bill additionally prohibits SNAP disqualification solely due to a SNAP recipient's nonparticipation in a SNAP ETP activity. The bill, however, explicitly states that the authority of the department or a county welfare agency to impose penalties for noncompliance with federal SNAP work requirements shall not be restricted.

As defined under the bill, the "NJ SNAP ETP" means the New Jersey Supplemental Nutrition Assistance Program Employment and Training Program, through which SNAP recipients acquire the skills, training, work, or experience necessary to obtain regular employment, as established under the SNAP and as described in the most recent State Employment and Training Plan submitted to the FNS. The NJ SNAP ETP 50/50 Match Project, established pursuant to P.L.2013, c.45 (C.44:10-95 et seq.), is an optional program within the NJ SNAP ETP in which the State receives reimbursement grants from the federal government to fund third party contractors who provide eligible employment and training services to program participants. In order to comply with the bill's provisions establishing a voluntary NJ SNAP

ETP, the bill also amends the existing law governing the NJ SNAP ETP 50/50 Match Project.

Under federal law, SNAP participants who are not eligible for exemptions due to age, disability, dependent caretaking, or other situations must meet federal work requirements. States have the option to require mandatory participation in a state SNAP ETP as one element of the federal work requirement, but may also limit this provision and offer a SNAP ETP as a voluntary activity only. This bill transitions the NJ SNAP ETP program from a partial mandatory and voluntary program to an all-voluntary program, an option available to the states in operating their SNAP ETPs. Under an all-voluntary program, SNAP recipients choose whether or not to participate in the ETP, without affecting the participants' SNAP benefits. This transition is based upon rigorous evaluations of welfare-to-work programs which found that mandatory punitive work requirements did not lead to stable employment for most participants, nor did they lift participants out of poverty. Currently, approximately 50 percent of states have opted for all-voluntary ETPs.

The bill also directs the department and each county welfare agency to ensure that all recipients of benefits under the SNAP are provided with the opportunity to participate in employment and training activities consistent with federal SNAP ETP reimbursement requirements. The department, additionally, is required to submit any necessary revisions to the State Employment and Training Plan to the FNS in order to satisfy the provisions of the bill.

The bill, moreover, requires the Commissioner of Human Services, on annual basis, to apply for a federal waiver of the SNAP benefit time limit for able-bodied adults without dependents (ABAWD) for the maximum number of geographic areas in the State which are eligible for such a waiver. The bill additionally requires the Governor to support, and directs the commissioner to submit, a waiver request for those geographic areas in the State that represent the highest number of SNAP participants eligible for a waiver of the ABAWD time limit on SNAP benefits. Under current law, an ABAWD is eligible for SNAP benefits for three months over a three-year period, unless the individual works a minimum of 20 hours per week, participates in a work program for 20 hours per week, participates in a workfare program, is pregnant, has a physical or mental disability that prohibits work, has an individual under the age of 18 in the same household, or is exempt from the general work requirements for SNAP.

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

a state may submit in support of a waiver application. The USDA typically approves a state's waiver application for a period of twelve months.

Pursuant to the federal Families First Coronavirus Response Act Pub.L.116-127, the United States Department of Agriculture (USDA) partially suspended the ABAWD benefit time limit, except for an individual who fails to comply with either a work program or workfare program offered by the state in compliance with federal law. This partial suspension of the ABAWD time limit is in effect for the period beginning April 1, 2020 through the end of the month following the month in which the federal COVID Public Health Emergency (PHE) expires. On October 15, 2021, the Secretary of the United States Department of Health and Human Services renewed the federal COVID Public Health Emergency for 90 days.