

**ASSEMBLY, No. 760**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblyman BRIAN E. RUMPF**

**District 9 (Atlantic, Burlington and Ocean)**

**Assemblywoman DIANNE C. GOVE**

**District 9 (Atlantic, Burlington and Ocean)**

**SYNOPSIS**

Increases personal needs allowance to \$55 for low income persons residing in certain facilities.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the personal needs allowance and amending  
2 P.L.1985, c.286 and P.L.1973, c.256.

3

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

6

7 1. Section 1 of P.L.1985, c.286 (C.30:4D-6a) is amended to  
8 read as follows:

9 1. Any person who is eligible for medical assistance and health  
10 services under P.L.1968, c.413 (C.30:4D-1 et seq.) and who  
11 receives medical assistance under subparagraph (4)(a) of subsection  
12 a. or under paragraph (11), (13) or (14) of subsection b. of section 6  
13 of P.L.1968, c.413 (C.30:4D-6), who is not eligible for  
14 Supplemental Security Income benefits pursuant to 42 U.S.C.  
15 s.1382(e)(1)(B), is entitled to a [\$35.00] \$55 monthly personal  
16 needs allowance. Beginning January 1, 2007, the personal needs  
17 allowance shall be increased annually by the Commissioner of  
18 Human Services pursuant to N.J.A.C.10:123-3.4(b).  
19 (cf: P.L.1985, c.286, s.1)

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21 2. Section 3 of P.L.1973, c.256 (C.44:7-87) is amended to read  
22 as follows:

23 3. The commissioner shall:

24 a. Enter into agreements with the government to secure the  
25 administration of supplementary payments by the government for  
26 such time and upon such conditions as the commissioner may in his  
27 discretion deem appropriate.

28 b. Promulgate, alter and amend such rules, regulations and  
29 directory orders as are necessary and proper:

30 (1) To implement the terms of the agreement with the  
31 government for the administration by the government of  
32 supplementary payments; and

33 (2) To secure social services for eligible persons, and for such  
34 other aged, blind or disabled persons as the commissioner may  
35 designate.

36 c. Transfer State or welfare board funds, or both, currently  
37 appropriated for this State's participation in the federal categorical  
38 assistance programs of "Old Age Assistance," R.S.44:7-3 to  
39 R.S.44:7-37; "Assistance for the Blind," P.L.1962, c.197 (C.44:7-43  
40 to 44:7-49) and "Permanent and Total Disability Assistance,"  
41 P.L.1951, c.139 (C.44:7-38 to 44:7-42) and any funds which may in  
42 the future be appropriated for the payment of supplementary  
43 payments, to the government in such amounts and at such times as  
44 the commissioner shall deem appropriate in order to provide for  
45 supplementary payments to eligible persons in this State.

**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 d. Pay to the government such funds as are necessary to  
2 reimburse the government's expenses in collecting additional  
3 information needed for the State to make eligibility determinations  
4 for medical assistance under the "New Jersey Medical Assistance  
5 and Health Services Act," P.L.1968, c.413 (C.30:4D-1 to 30:4D-  
6 19).
- 7 e. Require welfare boards to perform such eligibility  
8 determinations as the commissioner may deem necessary for the  
9 continuation of the New Jersey Medical Assistance Program under  
10 the "New Jersey Medical Assistance and Health Services Act,"  
11 P.L.1968, c.413. The commissioner shall pay to the counties a  
12 reasonable amount to reimburse the welfare boards for their  
13 expenses in making such eligibility determinations.
- 14 f. (Deleted by amendment, P.L.1990, c.66.)
- 15 g. Take appropriate steps to secure maximum federal financial  
16 participation in providing assistance to eligible persons residing in  
17 residential health care facilities.
- 18 h. Ensure that any eligible person residing in a rooming or  
19 boarding house or residential health care facility has reserved to  
20 him a monthly amount, from payments received under the  
21 provisions of the act to which this act is a supplement or from any  
22 other income, as a personal needs allowance. The personal needs  
23 allowance may vary according to the type of facility in which an  
24 eligible person resides, [but in no case shall be less than \$25.00 per  
25 month] as determined by the commissioner. Beginning January 1,  
26 2007, the personal needs allowance shall be increased annually by  
27 the commissioner pursuant to N.J.A.C.10:123-3.4(b).
- 28 i. Ensure that any eligible person who receives medical  
29 assistance under subparagraph (4)(a) of subsection a. or under  
30 paragraph (11), (13) or (14) of subsection b. of section 6 of  
31 P.L.1968, c.413 (C.30:4D-6) receives [\$10.00] at least \$25 per  
32 month, based on the type of facility in which the eligible person  
33 resides, in addition to benefits received pursuant to 42 U.S.C. s.  
34 1382(e)(1)(B). Beginning January 1, 2007, this amount shall be  
35 increased annually by the commissioner pursuant to  
36 N.J.A.C.10:123-3.4(b). If the government cannot administer this  
37 [\$10.00] monthly increase, the commissioner shall administer this  
38 increase and shall ensure that this increase is not considered income  
39 for Supplemental Security Income program purposes. However, if  
40 the government increases the benefit level under 42 U.S.C.  
41 s.1382(e)(1)(B), the commissioner shall allow the government to  
42 administer this increase and shall reduce its payment to an eligible  
43 recipient by an equal amount.
- 44 j. Assess welfare boards at the beginning of each fiscal year in  
45 the same proportion that the counties currently participate in the  
46 federal categorical assistance programs, in order to obtain the  
47 amount of each county's share of supplementary payments for

1 eligible persons in this State, based upon the number of eligible  
2 persons in the county.

3 (cf: P.L.1991, c.466, s.1)

4  
5 3. This act shall take effect on the first day of the third month  
6 following enactment, except that section 2 of this act shall be  
7 inoperative until the federal government approves the  
8 Commissioner of Human Services' administrative plan for the  
9 increase in the personal needs allowance for recipients of  
10 Supplemental Security Income benefits.

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12  
13 STATEMENT  
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15 Approximately 29,000 persons who reside in nursing facilities  
16 presently receive a \$35 monthly personal needs allowance.  
17 Approximately 5,700 persons who reside in State developmental  
18 centers or psychiatric hospitals receive a \$40 monthly personal  
19 needs allowance. This allowance is used to purchase personal  
20 items, such as clothing, grooming aids, newspapers and other items  
21 not regularly provided by the facility in which they reside. In  
22 contrast, persons who reside in rooming or boarding houses or  
23 residential health care facilities receive a monthly personal needs  
24 allowance of about \$89.50, which since 1983 has been increased  
25 annually according to the federal cost-of-living increase.

26 The purpose of this bill is to increase the monthly personal needs  
27 allowance to \$55 for persons living in nursing facilities and State  
28 developmental centers or psychiatric hospitals and to ensure that, in  
29 the future, the allowance is increased annually according to the  
30 increase in the federal cost-of-living. In the case of persons who  
31 receive SSI public assistance, the bill provides that the  
32 Commissioner of Human Services shall administer the \$15 increase  
33 provided in this bill if the federal government, which provides the  
34 basic allowance, cannot administer the increase. The commissioner  
35 is further directed to ensure that the \$15 increase provided in this  
36 bill is not counted as income for the SSI recipient and thereby  
37 deducted from the federal payment.