

ASSEMBLY, No. 577

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman LUSTBADER and Assemblywoman CRECCO

1 AN ACT concerning public assistance benefits and supplementing Title
2 44 of the Revised Statutes.

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

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7 1. a. If a county welfare director has reason to believe that a
8 person has established residency in this State for the sole purpose of
9 receiving benefits under the program of aid to families with dependent
10 children, established pursuant to P.L.1959, c.86 (C.44:10-1 et seq.),
11 which exceed those the person would be eligible for in the state in
12 which the person last resided, and that person has resided in this State
13 for less than nine consecutive months on the date that person
14 establishes eligibility for benefits, the county welfare director shall
15 have the authority to grant a reduction of benefits in an amount
16 equivalent to 75% of the amount for which the person would be
17 eligible under State law , except that the county welfare director shall
18 not reduce the benefits to a level that is less than the amount the
19 person received in the state in which the person previously resided.
20 This reduction in benefits shall not apply if the person would be
21 entitled to benefits higher than those offered by the State under the
22 laws of the state in which that person resided prior to establishing
23 residency in this State. This provision shall apply until the person has
24 resided in the State for a period of nine consecutive months.

25 b. Pursuant to the provisions of this section, the Commissioner of
26 Human Services, no later than the 180th day after the effective date of
27 this act, shall revise the schedule of benefits under the program of aid
28 to families with dependent children, subject to federal approval. The
29 commissioner shall request such waivers of regulations from the
30 United States Secretary of Health and Human Services as are
31 necessary to implement the provisions of this section.

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33 2. a. If a municipal welfare director has reason to believe that a
34 person has established residency in this State for the sole purpose of
35 receiving benefits under the program of general public assistance,

1 established pursuant to P.L.1947, c.156 (C.44:8-107 et seq.), which
2 exceed those the person would be eligible for in the state in which the
3 person last resided, and that person has resided in this State for less
4 than nine consecutive months on the date that person establishes
5 eligibility for benefits, the municipal welfare director shall have the
6 authority to grant a reduction of benefits in an amount equivalent to
7 75% of the amount for which the person would be eligible under State
8 law , except that the municipal welfare director shall not reduce the
9 benefits to a level that is less than the amount the person received in
10 the state in which the person previously resided. This reduction in
11 benefits shall not apply if that person would be entitled to benefits
12 higher than those offered by the State under the laws of the state in
13 which that person resided prior to establishing residency in this State.
14 This provision shall apply until the person has resided in the State for
15 a period of nine consecutive months.

16 b. The Commissioner of Human Services, no later than the 180th
17 day after the effective date of this act, shall revise the schedule of
18 benefits under the program of general public assistance pursuant to the
19 provisions of this section.

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21 3. The Commissioner of Human Services, pursuant to the
22 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
23 seq.), shall adopt regulations to implement the provisions of this act.

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25 4. This act shall take effect immediately.

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STATEMENT

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30 This bill limits the benefits for which a new State resident would be
31 eligible as a recipient of either aid to families with dependent children
32 (AFDC) benefits or general public assistance benefits, if a county or
33 municipal welfare director, as appropriate, has reason to believe that
34 person has established residency in this State for the sole purpose of
35 receiving benefits higher than those offered by the state in which the
36 person last resided. The person would receive 75% of the amount for
37 which the person would be eligible under State law, but this amount
38 could not be less than what the person received in the state in which
39 he previously resided. This limit on AFDC or general public assistance
40 benefits would apply until the person has resided in New Jersey for a
41 period of nine consecutive months. The limit would not apply if the
42 person would be entitled to benefits higher than those offered by the
43 State, under the laws of the state in which the person last resided.

44 The bill also requires the Commissioner of Human Services, no later
45 than 180 days after the effective date of the bill, to revise the schedule
46 of benefits under the programs of AFDC and general public assistance

1 to meet the provisions of this bill. In the case of AFDC, the
2 commissioner would also be required to request the federal waivers of
3 regulations needed to implement the provisions of the bill.

4 This bill is intended to reduce any possible potential incentive for
5 a resident of another state to migrate to New Jersey solely to seek
6 higher welfare benefits.

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11 Limits AFDC and GA benefits for new State residents.