

ASSEMBLY, No. 5323

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 29, 2021

Sponsored by:
Assemblywoman ANNETTE QUIJANO
District 20 (Union)

SYNOPSIS

Requires monthly subsidy payments to child care providers during COVID-19 pandemic to be equal to monthly subsidy payments prior to pandemic.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning subsidy payments to child care providers.

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

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6 1. a. Commencing upon the effective date of this act and
7 expiring 30 days after the end of the Public Health Emergency and
8 State of Emergency declared by Executive Order No. 103 of 2020
9 regarding the coronavirus disease 2019, the Division of Family
10 Development in the Department of Human Services shall ensure
11 that all subsidy payments issued to a licensed child care provider
12 over the period of a calendar month for child care services shall be,
13 at a minimum, equal to the average aggregate monthly subsidy
14 payment issued to the provider for the months of October 2019,
15 November 2019, December 2019, and January 2020. Nothing in
16 this section shall be construed to prohibit the division from issuing
17 a monthly subsidy payment in a larger amount, provided that the
18 child care provider delivered such child care services to warrant the
19 payment.

20 b. The Commissioner of Human Services shall apply for such
21 State plan amendments or waivers as may be necessary to
22 implement the provisions of this section and to continue to secure
23 any available federal financial participation for the applicable child
24 care programs.

25 c. As used in this section, “child care services” means those
26 services for which the Department of Human Services receives and
27 administers State and federal funding to provide subsidy payments
28 to licensed child care providers.

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30 2. There are hereby appropriated such sums as necessary for the
31 implementation of this act, as determined by the Commissioner of
32 Human Services. The amounts appropriated shall be funded first
33 from assistance provided from the federal government to the extent
34 not prohibited by federal law. The remaining amounts necessary to
35 fund the provisions of this act shall be appropriated from the
36 General Fund.

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38 3. This act shall take effect immediately and shall expire 30
39 days after the end of the Public Health Emergency and State of
40 Emergency declared by Executive Order No. 103 of 2020 regarding
41 the coronavirus disease 2019.

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STATEMENT

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46 This bill requires that the monthly subsidy payments to child
47 care providers during the coronavirus disease 2019 (COVID-19)
48 pandemic are equal to the monthly subsidy payments prior to the

1 pandemic. It is the intent of the bill's sponsors to provide relief to
2 financially struggling child care providers by basing subsidy
3 payments on pre-pandemic payments. The provisions of the bill
4 would offer child care providers, who face higher operating costs
5 and reduced enrollment due to the COVID-19 pandemic, with a
6 more reliable source of income.

7 Specifically, the bill directs the Division of Family Development
8 in the Department of Human Services to ensure that all subsidy
9 payments issued to a licensed child care provider over the period of
10 a calendar month for child care services are, at a minimum, equal to
11 the average aggregate monthly subsidy payment issued to the
12 provider for the months of October 2019, November 2019,
13 December 2019, and January 2020. The bill explicitly states that its
14 provisions are not to prohibit the division from issuing a monthly
15 subsidy payment in a larger amount, provided that the child care
16 provider delivered such child care services to warrant the payment.
17 The bill defines "child care services" to mean those services for
18 which the Department of Human Services receives and administers
19 State and federal funding to provide subsidy payments to licensed
20 child care providers.

21 Under the bill, the Commissioner of Human Services is required
22 to apply for such State plan amendments or waivers as may be
23 necessary to implement the provisions of the bill and to continue to
24 secure any available federal financial participation for the
25 applicable child care programs.

26 The bill also appropriates such amounts as are necessary for the
27 implementation of the bill, as determined by the Commissioner of
28 Human Services. The amounts appropriated are to be funded first
29 from assistance provided from the federal government to the extent
30 not prohibited by federal law, such as those funds provided to the
31 State via the Coronavirus Relief Fund established pursuant to the
32 federal "Coronavirus Aid, Relief, and Economic Security Act," also
33 known as the CARES Act. The CARES Act requires that the
34 payments from the Coronavirus Relief Fund are only to be used to
35 cover expenses that: 1) are necessary expenditures incurred due to
36 the public health emergency with respect to COVID-19; 2) were
37 not accounted for in the State budget most recently approved as of
38 March 27, 2020; and 3) were incurred during the period that begins
39 on March 1, 2020, and ends on December 30, 2020. The remaining
40 amounts necessary to fund the provisions of the bill are to be
41 appropriated from the General Fund.

42 The provisions of the bill take effect immediately and expire 30
43 days after the end of the Public Health Emergency and State of
44 Emergency declared by Executive Order No. 103 of 2020 regarding
45 COVID-19.