

SENATE, No. 1134

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 30, 2020

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

SYNOPSIS

Requires DHS to take appropriate action to exempt veterans from benefits time limit applicable to able-bodied adults without dependents under the Supplemental Nutrition Assistance Program.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning benefits limitations under the Supplemental
2 Nutrition Assistance Program, and supplementing Title 44 of the
3 Revised Statutes.

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

7
8 1. The Legislature finds and declares the following:

9 a. The federal “Food and Nutrition Act of 2008,” Pub.L.110-
10 246 (7 U.S.C. s.2011 et seq.), prohibits able-bodied adults without
11 dependents (ABAWDs) from obtaining food assistance benefits
12 under the Supplemental Nutrition Assistance Program (SNAP)
13 (formerly known as the “Food Stamp Program”) for more than three
14 months in a three year period, unless the ABAWDs are actively
15 employed, or are participating in a work or workfare program, or
16 are exempted from these special ABAWD work requirements.

17 b. A state may obtain a federal waiver of the SNAP benefits
18 time limit for a particular group of ABAWDs, if the United States
19 Secretary of Agriculture determines that the area in which the
20 individuals reside (either throughout the State, or in a particular
21 area of the State) has an unemployment rate of over 10 percent, or
22 does not have a sufficient number of jobs to provide employment
23 for the individuals.

24 c. Each state also has broad discretion to grant individual
25 exemptions from the SNAP benefits time limit, as the state sees fit,
26 provided that the number of exemptions does not exceed 15 percent
27 of the total number of ABAWDs in the state who are ineligible for
28 food assistance benefits as a result of the benefits time limit. This
29 is known as the “15 percent exemption.”

30 d. During the economic downturn that resulted from the Great
31 Recession, requests for statewide waivers of the SNAP benefits
32 time limit were consistently approved by the Secretary of
33 Agriculture for many different states, including New Jersey.

34 e. However, as a result of the recent economic upturn and
35 nationwide recovery from the Great Recession, the federal
36 Department of Agriculture has indicated that fewer states will now
37 be able to satisfy the economic criteria necessary to qualify for
38 waiver of the SNAP benefits time limit on a statewide basis.

39 f. In New Jersey, the most recent Statewide waiver of the
40 SNAP benefits time limit expired in 2016, although the State is still
41 approved for partial waivers that are applicable in certain specific
42 areas of the State.

43 g. Although New Jersey’s Statewide economy and job market
44 have generally improved in the years since the Great Recession
45 began, and preliminary estimates from the United States Bureau of
46 Labor Statistics indicate that the State’s general unemployment rate,
47 as of October 2016, has declined to 5.2 percent, the unemployment
48 rate among the State’s veteran population remains unusually high.

1 h. In early 2016, the United States Department of Labor
2 released a report, which found that veterans in New Jersey suffered
3 from a nearly 11 percent unemployment rate in 2015 – a rate that is
4 almost double the national average of 5.8 percent unemployment for
5 this group of people.

6 i. Veterans face a number of unique challenges in securing
7 appropriate employment, and they have reported, in particular, that
8 it is often difficult to translate their military skills to a civilian
9 environment; that it is often difficult to overcome the physical and
10 mental health challenges stemming from service time, as necessary
11 to transition to civilian employment; that there are cultural barriers
12 to employment, in that some employers do not understand military
13 culture, and are either less inclined to hire veterans, or have an
14 overt bias against the hiring of veterans; that veterans often lack the
15 educational history necessary to satisfy employment prerequisites,
16 and additionally have insufficient resume writing and networking
17 experience; that veterans have had less time in the workforce than
18 other applicants for the same positions; and that veterans lack
19 sufficient support systems to aid them in finding and applying for
20 appropriate work.

21 j. The limited and inconsistent availability of work and
22 workfare programs throughout the State further imposes a hardship
23 on New Jersey's veterans and makes it more difficult for this group
24 of individuals to comply with the special work requirements
25 necessary for ABAWDs to qualify for food assistance benefits
26 beyond the three-month initial benefits period.

27 k. The courageous men and women who have served this State
28 and nation as members of the armed forces should not be denied
29 assistance in obtaining a basic necessity like food, particularly when
30 this group faces unique challenges in finding appropriate work, and
31 continues to suffer from a high level of unemployment in New
32 Jersey.

33 l. It is, therefore, both reasonable and necessary for the State
34 to take appropriate action to exempt veterans in New Jersey from
35 the three-month SNAP benefits time limit that is applicable to
36 ABAWDs.

37

38 2. As used in this act:

39 “ABAWD veteran” means a veteran who is categorized as an
40 able-bodied adult without dependents for the purposes of obtaining
41 SNAP food assistance benefits.

42 “Commissioner” means the Commissioner of Human Services.

43 “SNAP” means the New Jersey Supplemental Nutrition
44 Assistance Program, established pursuant to the federal “Food and
45 Nutrition Act of 2008,” Pub.L.110-246 (7 U.S.C. s.2011 et seq.).

46 “SNAP benefits time limit” means the three-month time limit,
47 described in 7 U.S.C. s.2015(o)(2) and 7 C.F.R. 273.24(b), after
48 which an ABAWD who is not in compliance with special work

1 requirements will become ineligible for the continued receipt of
2 SNAP food assistance benefits.

3 “Veteran” means a citizen of New Jersey who has provided
4 wartime or non-wartime service in, and has been honorably
5 discharged from, any branch of the United States armed services,
6 including the Army, Navy, Marines, Air Force, Coast Guard, or
7 National Guard.

8
9 3. a. The Commissioner of Human Services shall take
10 appropriate action, in accordance with the provisions of this section,
11 to exempt SNAP-eligible ABAWD veterans from the three-month
12 SNAP benefits time limit that would otherwise be applicable thereto
13 under the federal “Food and Nutrition Act of 2008,” Pub.L.110-246
14 (7 U.S.C. s.2011 et seq.).

15 b. Within 60 days after the effective date of this act, the
16 commissioner shall submit a request to the United States Secretary
17 of Agriculture, as authorized by 7 U.S.C. s.2015(o)(4) and 7 C.F.R.
18 273.24(f), seeking a federal waiver of the SNAP benefits time limit
19 for ABAWD veterans on a Statewide basis. If the waiver request is
20 approved, the commissioner shall submit a request for renewal of
21 the Statewide waiver on an annual basis thereafter.

22 c. If the Secretary of Agriculture denies a request for federal
23 waiver or waiver renewal, which has been submitted pursuant to
24 subsection b. of this section, the commissioner shall use the State’s
25 15 percent exemption authority, as provided by 7 U.S.C.
26 s.2015(o)(6) and 7 C.F.R. 273.24(g), to grant each SNAP-eligible
27 ABAWD veteran in the State an individual exemption from the
28 SNAP benefits time limit.

29
30 4. a. Within 180 days after the effective date of this act, the
31 commissioner shall assess all ABAWD veterans in the State to
32 determine whether they are physically or mentally unfit for
33 employment, and shall refer them for further services, as deemed to
34 be appropriate, based on that assessment.

35 b. As provided by 7 U.S.C. s.2015(o)(3)(B) and 7 C.F.R.
36 273.24(c)(2), if the commissioner determines that an ABAWD
37 veteran is medically certified as being physically or mentally unfit
38 for employment, such veteran shall no longer be deemed to be an
39 ABAWD, and shall be automatically exempted from the three-
40 month SNAP benefits time limit, as well as all other special work
41 requirements applicable to ABAWDs. The State shall not be
42 required to use its 15 percent exemption authority when granting an
43 exemption to a veteran described this subsection.

44

45 5. This act shall take effect immediately.

STATEMENT

This bill would require the Commissioner of Human Services to take appropriate action to exempt veterans from the special work requirements and benefits limitations that apply to able-bodied adults without dependents (ABAWDs) under the State's Supplemental Nutrition Assistance Program (SNAP).

Federal law prohibits ABAWDs from obtaining SNAP food assistance benefits for more than three months in a three year period, unless such ABAWDs are actively employed, or are participating in a work or workfare program, or are exempted from these special ABAWD work requirements. A State may obtain a federal waiver of the three-month SNAP benefits time limit for a particular group of ABAWDs, if the United States Secretary of Agriculture determines that the area in which the individuals reside (either throughout the State, or in a particular area of the State) has an unemployment rate of over 10 percent, or does not have a sufficient number of jobs to provide employment for the individuals. Each state also has broad discretion to provide individual exemptions from the SNAP benefits time limit, as the state sees fit, provided that the number of exemptions does not exceed 15 percent of the total number of ABAWDs in the state who are ineligible for food assistance benefits as a result of the benefits time limit.

During the economic downturn that resulted from the Great Recession, requests for statewide federal waivers of the ABAWD benefits time limit were consistently approved by the Secretary of Agriculture for many different states, including New Jersey. However, as a result of the recent economic upturn and nationwide recovery from the Great Recession, the federal Department of Agriculture has indicated that fewer states will now be eligible for waiver on a statewide basis. In New Jersey, the most recent Statewide waiver of the benefits time limit expired in 2016.

Although New Jersey's Statewide economy and job market have generally improved in the years since the Great Recession began, and preliminary estimates indicate that the State's general unemployment rate, as of October 2016, has declined to 5.2 percent, the unemployment rate among the State's veteran population remains unusually high. In early 2016, the United States Department of Labor released a report, which found that veterans in New Jersey suffered from a nearly 11 percent unemployment rate in 2015 – a rate that is nearly double the national average of 5.8 percent unemployment for this group of people. Veterans also face a number of unique challenges in securing appropriate employment, and the limited availability and inconsistency of work and workfare programs throughout the State further imposes a hardship on this group of people. Because it would be wrong to deny these courageous service members a basic necessity like food,

1 particularly when this group faces unique challenges in finding
2 work, and continues to suffer from a high level of unemployment in
3 New Jersey, it is both reasonable and necessary for able-bodied
4 veterans without dependents to continue to be excepted from the
5 SNAP benefits time limit that is otherwise applicable to ABAWDs
6 under federal law.

7 The bill would further require the commissioner, within 180 days
8 after the bill's effective date, to: (1) assess all ABAWD veterans in
9 the State to determine whether they are physically or mentally unfit
10 for employment; and (2) refer these veterans for further services, as
11 deemed to be appropriate, based on that assessment. As provided
12 by federal law, if the commissioner determines that an ABAWD
13 veteran is medically certified as being physically or mentally unfit
14 for employment, such veteran will no longer be deemed to be an
15 ABAWD, and will be automatically exempted from the three-month
16 SNAP benefits time limit, as well as all other special work
17 requirements applicable to ABAWDs. The bill further specifies, in
18 accordance with federal law, that the State will not be required to
19 use its 15 percent exemption authority when granting an exemption
20 to such a veteran.