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State of New Jersey
Department of Human Services

In the Matter of Regulations :
Relating to the Level of General :
Assistance Benefits Established :
in N.J.A.C. 10:85-4.1 et seq. :
.....

PETITION FOR THE ADOPTION
OF REGULATIONS

I. INTRODUCTION

1. This is a class petition to the New Jersey Department of Human Services by certain recipients of General Assistance (GA) on behalf of all GA recipients of the State of New Jersey. The petition seeks a rule raising welfare benefits and establishing a level of assistance compatible with basic human needs, as required by the New Jersey statutes and Constitution. Studies which are annexed to this petition have shown that the levels of assistance have not kept pace with substantial increases in the cost of living, and are grossly inadequate to meet basic living needs.

In New Jersey, an average of 31,000 people rely on GA each month as their sole or primary source of income. Exclusive of food stamps, a single employable individual receives \$133/month to meet basic living needs, including housing; a single unemployable individual receives \$200/month. The most reliable current assessment indicates that it would cost such an individual at least \$551/month to secure a minimally decent existence.

These extremely low levels of assistance have a severely detrimental impact on the lives of recipients. The grants are insufficient to cover the costs of housing, and therefore are a contributing cause to homelessness, subjecting individuals to severe indignity, intolerable living conditions and resultant medical and mental disability problems. To relieve this desperate plight it is essential for recipients that benefit levels be raised substantially. Further, while the above immediate harm may be confined to individuals, there are also serious consequences which extend throughout the community and the society, in terms of sharply increased costs for social services, education, hunger, health and housing programs, the criminal justice system, and other governmental efforts. These other added costs make a substantial increase in benefits a matter of significant public concern and policy for all.

II. INTERESTS OF PETITIONERS

2. Petitioners are as follows:

(a) Petitioner Jerry Albright resides at 335 Morris Avenue, Newark, New Jersey. Pursuant to regulations adopted by the New Jersey Department of Human Services, he receives a GA grant of \$200/month. In addition, he receives \$79/month in food stamps for a total income of \$279/month to meet his living expenses. This income is insufficient to meet minimal basic needs. An affidavit detailing the hardship in which he lives is attached as Exhibit A.

(b) Petitioner Fannie Tift resides at 188 Brunswick Avenue, Trenton, New Jersey. Pursuant to regulations adopted by the New Jersey Department of Human Services, she receives a GA grant of \$200/month. In addition, she receives \$77/month in food stamps, for a total income of \$277/month. This income is insufficient to meet minimal basic needs. An affidavit detailing the hardship in which petitioner lives is attached at Exhibit A 1.

(c) Petitioner Phyllis Wilson is, at last contact, homeless. She receives a GA grant of \$133/month, and had applied for food stamps. Affidavits detailing the hardship in which she lives are attached at Exhibits A 2 and A 3.

(d) Petitioner Walter Zoolkoski resides at 289 Hunterdon Street, Newark, New Jersey. He receives a GA grant of \$133/month, and food stamps of \$79/month, for a total income of \$212/month. This income is insufficient to meet minimal basic needs. An affidavit detailing the hardship in which he lives is attached at Exhibit A 4.

(e) Petitioner Janie Davis resides at 215 E. Front Street, Apt. 621, Trenton, New Jersey. She receives a GA grant of \$200/month plus \$80/month in food stamps, for a total income of \$280/month. This income is insufficient to meet minimal basic needs. An affidavit detailing the hardship in which petitioner lives is attached at Exhibit A 5.

(f) Petitioner J.P. resides in East Orange, New Jersey. He receives a GA grant of \$200/month, plus food stamps of \$76/month, for a total income of \$276/month. This income is insufficient to meet minimal basic needs. An affidavit detailing the hardship in which petitioner lives is attached at Exhibit A 6.

(g) Petitioner George Storms resides at 265 Route 206, Stanhope, New Jersey. He receives a GA grant of \$200/month plus food stamps of \$79/month, for a total income of \$279/month. This income is insufficient to meet minimal basic needs. An affidavit detailing the hardship in which petitioner lives is attached at Exhibit A 7.

(h) Petitioner Donald Cain resides at 804 Southard Street, Apt. 3A, Trenton, New Jersey. He receives a GA grant of \$133/month plus \$80/month in food stamps, for a total income of \$213/month. This income is insufficient to meet minimal basic needs. An affidavit detailing the hardship in which petitioner lives is attached at Exhibit A 8.

(i) Petitioners G.W. and M.W. are mother and daughter and reside in Morris County, New Jersey. Together, they receive a GA grant of \$183/month plus food stamps of \$147/month, for a total income of \$330/month. This income is insufficient to meet minimal basic needs. Affidavits detailing the hardship in which they live are attached at Exhibits A 9 and A 10.

(j) Petitioner Russell Watson is homeless and stays at the Volunteers of America emergency shelter in Camden, New Jersey. He receives a GA grant of \$129/month. This income is insufficient to meet minimal basic needs. An affidavit detailing the hardship in which he lives is attached at Exhibit A 11.

III. NATURE AND SUBSTANCE OF THE REGULATION REQUESTED

3. Petitioners request that the Department of Human Services amend N.J.A.C. 10:85-4.1 by establishing a clear standard of need that has a rational

relationship to the actual needs of GA recipients, and is sufficient to support a decent standard of existence in the areas of food, clothing, shelter, medical care, and other necessities, and then setting grant levels commensurate with this standard of need. This regulation should be based upon a comprehensive analysis of the actual needs of recipients, and should provide that the standard of need and levels of assistance be reviewed annually and adjusted to reflect changes in the cost of a decent existence.

Petitioners recognize that by itself the Department of Human Services does not have the power to appropriate funds, but it does have the power and responsibility to conduct comprehensive needs assessments, establish a standard of need, and set grant levels commensurate with that standard, subject to appropriations. It further has the responsibility to propose such levels of assistance to the Legislature.

IV. REASON FOR THE REQUEST

A. The Statutes and Constitution Require a Substantial Raise In Benefits.

4. The petitioners request the above rule because the statutes and Constitution of the State of New Jersey require it. New Jersey statutes provide that: "It is ... the public policy of this State that every needy person shall ... be entitled to receive such public assistance as may be appropriate with reference to need," N.J.S.A. 48:8-109 (emphasis added); that the Department of Human Services provide assistance "in such a manner as to meet any or all of the several needs of, or as may be necessary to protect the well being of, the person, or persons, to whom assistance is granted" N.J.S.A. 44:8-124 (emphasis added); all "to the end that such person may not suffer unnecessarily from cold, hunger, sickness or be deprived of shelter..." N.J.S.A. 44:8-122.

Article I, paragraph I of the Constitution guarantees the general welfare of New Jersey residents:

All persons are by nature free and independent, and have certain natural and inalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness.

In State of New Jersey v. Schmid, 84 N.J. 535, 555 (1985) the Supreme Court stated:

[t]he guarantees of our State Constitution have been found to extend to a panoply of rights deemed to be most essential to both the quality of individual life and the preservation of individual liberty.

Article I, Section 1 thus establishes the most fundamental rights of New Jersey residents. Recent decisions have cast additional light on the nature of these constitutionally-guaranteed fundamental rights:

This brings us to the relation of housing to the concept of general welfare just discussed. There cannot be the slightest doubt that shelter, along with food, are the basic human needs . . . It is plain without dispute that proper provision for adequate housing of all categories of people is certainly an absolute essential in promotion of general welfare . . . Mount Laurel I, 67 N.J. 151 at 178-179.

In Mount Laurel II, the New Jersey Supreme Court reaffirmed this principle, noting that "[i]n our society access to adequate housing has become a fundamental part of decent living." 92 N.J. 158, 307, n.56 (1983).

Similarly, with respect to health, in Right to Choose v. Byrne, 91 N.J. 287, 304 (1982), the court recognized "that New Jersey accords a high priority to the preservation of health" which is "among the most [important] of personal rights, without which man could not live in a state of society." A person's "right of personal security, including 'the preservation of . . . health from such practices as may prejudice it or annoy it,' is a right recognized . . . in almost the first words of our written Constitution."

B. The Current Levels of Assistance are Grossly Inadequate.

5. The Department of Human Services does not provide for an adequate budget for GA recipients. Current levels of assistance, including food stamps,

support only 36.2% of the actual minimal needs for a single employable individual, and 45% of the needs for a single unemployable individual.

6. Prior to 1971, GA grants were based on the extent of need as calculated for individual cases. A budget was prepared to correlate an applicant's actual costs for shelter, clothing, personal and household needs, and scheduled sums for food, to his or her income and resources.

7. In 1971 all state welfare programs, including GA, eliminated individual computations and instituted a "flat grant" system. The Commissioner promulgated regulations which set the 1971 GA flat grant levels at \$162 per month for unemployable recipients and \$95 per month for employable recipients. The \$162 and \$95 figures were entirely arbitrary. They were also inadequate; the \$95 constituted 57% of the federal poverty guideline then in effect; the \$162 constituted 97%. The Commissioner did not conduct a needs analysis specifically pertaining to the needs of GA recipients, nor did the Commissioner determine the sufficiency of benefit levels for GA recipients at any time before or after implementing the flat grant schedule.

8. In 1973, while the levels for unemployable recipients remained constant, the amount for a single employable person was raised to 2/3 of the unemployable level - from \$95.00 to \$108.00/month. There was no increase in assistance for a single unemployable person. No formal, in-depth needs analysis was done at this time.

9. In 1974, benefit levels were increased by 10% to \$119.00/month for single employable persons and \$178.00/month for single unemployable persons. Again, no formal needs analysis was done. There was a slight increase in food stamp allowance at that time, and therefore the total resource increase was approximately 13%. This was largely offset by the inflation for 1974 alone (10.46%), and did not take into account the rate of inflation for 1971-1973 (11.6%). Because a needs analysis was not conducted, the flat grant assistance

levels remained entirely arbitrary. Because the 1974 increase in benefits did not even keep pace with inflation, the inadequacy of the assistance levels actually increased from 1971.

10. Incredibly, notwithstanding this inadequacy in 1974 terms, the next raise in benefit levels did not come for another ten years. In July, 1984 levels were raised 7% to \$127.00 per month for employable persons, and \$190.00 per month for unemployable persons. Again, there was no formal needs analysis for GA recipients. The rate of inflation from July, 1974 through July, 1984 was 116%; during that time the already inadequate benefit levels were raised only 7%.

11. In support of its 1984 proposal for raising benefits by 7%, amending N.J.A.C. 10:85-4.1, the Division of Human Services conceded the severe impact of inflation on GA recipients:

General Assistance payment levels were last increased in 1974. Subsequent to that increase, the effects of inflation have severely eroded the purchasing power of General Assistance recipients. Current payment levels cannot adequately provide even minimal subsistence for persons dependent on such assistance. In order to maintain General Assistance levels consistent with health and decency, the Department proposes to increase payment levels by seven percent. 16 N.J.R. 833. (Emphasis added)

12. In proposing the 1984 7% increase, the Department of Human Services did not conduct a study, or engage in a rational process to determine whether the 7% increase would provide a level of assistance that would enable GA recipients to purchase "shelter and other necessities," 16 N.J.R. 833, and that would be compatible with "health and decency."* The 7% figure was itself entirely arbitrary. The absence of a study and process to determine an allowance level compatible with "health and decency," and the arbitrarily chosen 7% figure, reflect a disregard of the needs of GA recipients.

* The "health and decency" standard is applicable to Aid to Families With Dependent Children (AFDC) recipients. N.J.S.A. 44:10-1(a). The statutory standards applicable to GA recipients are set forth in par. 4, p. 4 supra.

13. Indeed, the State's own analysis demonstrates that the GA benefit levels, even after the 7% increase, were far below the federal poverty income guidelines. See Exhibits B and C, and footnote on this page below.

14. In the April 15, 1985 New Jersey Register, the Department of Human Services proposed amendments to N.J.A.C. 10:85-4.1 and 9.4 which would provide for a 5% increase in grant levels, citing once again the need to keep levels "compatible with health and decency." 17 N.J.R. 882. Once again, there was no indication of any formal study or needs analysis, and no promulgation of a standard of need rationally related to the actual costs of a decent existence.

In July, 1985, the 5% increase became effective. While undoubtedly welcome, it still fails to satisfy statutory and constitutional requirements. The increase barely keeps pace with cost-of-living increases during the 12 months since the last increase, and does nothing to close the enormous gap between assistance levels and actual need.

15. The 5% increase for a single employable individual to \$133/month amounts to \$72.00 per year. For a single unemployable individual the increase to \$200/month amounts to \$120.00 per year. Including food stamps, the grant for a single employable individual is 45.7% of the 1985 federal poverty guideline. The grant for a single unemployable individual is 56.4% of the federal poverty guideline.*

* The State's analysis confirms this. Including food stamps, the benefits for a single employable individual is 46% of the federal poverty income guideline (See Exhibit B); the benefits for a single unemployable individual (after the 7% increase, but before the 5% increase in 7/1/85) was 57% of the federal guideline (See Exhibit C). Excluding food stamps, the grant for a single employable individual is 30% of the 1985 federal poverty income guideline, a decline of 27% from 1971. The grant for a single unemployable individual is 46% of the 1985 poverty guideline, a decline of 51% from 1971.

16. In response to the proposed 5% increase, and prior to its adoption, the Department of the Public Advocate filed a formal comment with the Division of Public Welfare. A copy of this comment is attached at Exhibit D. The Public Advocate voiced two concerns: 1) that the proposed regulation contained no rationale for the selection of a 5% increase, and that, given the gross inadequacy of public assistance standards, the Department should detail the methodology for calculating this proposed increase and its correlation, if any, to the cost of basic necessities in New Jersey; 2) that the public assistance standards are inadequate, and that the proposed 5% increase does not address the effects of inflation.

The Public Advocate requested that the Department of Human Services propose assistance standards to levels that meet the actual increase in basic necessities or, at minimum, to reflect inflationary increases since 1974. The Advocate also suggested, as an alternative, that the Department hold investigative hearings to review current public assistance payment levels in conjunction with the actual needs of public assistance recipients.

17. In response to this comment the Department of Human Services stated:

1. "The 5% increase was proposed because it was anticipated that it would be enacted by the Legislature."

2. "Proposal of public assistance standards which mirror the actual needs of recipients would serve no useful purpose."

3. "[P]ublic assistance standards, when compared to inflation measures or benchmarks of adequate living standards are insufficient, and . . . these facts have already been . . . documented. Therefore, the Department does not deem it necessary to conduct the requested investigative hearings." 17 N.J.R. 2272-2273 (emphasis added). (Exhibit E)

18. The above response constitutes an admission by the Department of Human Services that GA benefit levels have been outstripped by inflation, and do not provide for adequate living. It is also a statement that the inadequacy

of welfare benefits has been sufficiently documented, that the Department therefore does not need to study the matter, and that the Department does not intend to do anything additional with respect to increasing welfare benefits, other than presumably what it may be instructed to do as part of the next and ensuing years' budgetary processes. In effect, it amounts to an admission that current GA grant levels violate N.J.S.A. 44:8-109 et seq.*

Thus, N.J.S.A. 44:8-109 et seq. requires assistance "appropriate...to need," "to meet any or all of the several needs," "to the end that such persons may not suffer unnecessarily from cold, hunger, sickness, or be deprived of shelter." The exceedingly low benefit levels, which are admittedly "insufficient" to provide "adequate living standards" cannot meet the required statutory need.

19. As correctly noted by the Department of Human Services, significant studies have shown that the general assistance levels are grossly inadequate.

a. The National Social Science and Law Project Study.

In 1980, the National Social Science and Law Project conducted a detailed cost of living analysis for New Jersey's poor, entitled "The Cost of an Adequate Standard of Living in New Jersey." It is the single most comprehensive study of what it costs to live in New Jersey. A copy of this study is attached as Exhibit F. The study constructed a minimum adequate budget which would

* The statement flatly contradicts a statement by the Department of Human Services made just 5 months earlier in support of its application for a 5% increase. There the Department stated that the 5% increase was proposed "[I]n order to maintain GA payments at levels 'compatible' with health and decency." 17 N.J.R. 882, April 15, 1985.

However, payments cannot be "compatible with health and decency," since, as noted by the Department, they are "insufficient" "when compared to inflation measures or benchmarks of adequate living standards." 17 N.J.R. 2273, September 16, 1985 (emphasis added).

permit a GA recipient to meet minimum basic needs, including shelter.

In 1983, the Project updated its study to adjust for increased living costs due to inflation since 1980. (Exhibit G) Updating this study to adjust for inflationary increases through September, 1985, the updated minimum adequate budget for GA recipients is \$551/month.

Including food stamps,* a single unemployable person receives \$247/month in 1985, or 44.8% of the minimum adequate budget. A single employable person receives \$200/month or 36.2% of the minimum adequate budget.

This study demonstrates that the GA level of assistance is woefully inadequate, and does not enable recipients to meet basic human needs.

b. The Division of Public Welfare Study.

In 1983 the New Jersey Division of Public Welfare conducted a study entitled "Assistance Standard Increases Needed in 1984 - General Assistance." The section of the study dealing with GA employables is attached at Exhibit H. The section dealing with GA unemployables is attached at Exhibit H 1. The Division found that from 1974-1984 the Consumer Price Index increased 104%, assuming a 4% inflation rate for 1984. It found that the "total benefits required to maintain the same standard as in 1974 was \$457/month for an unemployable person, and \$337/month for an employable person. Exhibit H 1, p. 2; Exhibit H, p. 2.

This study is flawed in its methodology as it does not measure true need, but merely compensates for the effects of inflation on the inadequate 1974 grant level. The level of assistance it proposes is inadequate to meet basic living needs. Nevertheless, it constitutes an admission by the State that current General Assistance grants are severely inadequate.

* The assumption for the food stamp computation is that monthly net income equals GA grant minus standard deduction, effective July 1, 1985.

c. State of New Jersey Commission on Hunger: Commission Hearings
Summary of Major Themes.

"The New Jersey Commission on Hunger was created by P.L. 1984, C. 36, to determine the extent of hunger in the state, to examine the obstacles preventing the hungry from obtaining adequate food, and to devise strategies for alleviating these problems. Members of the Commission include legislators, members of state agencies, food program administrators, and members of community organizations working to provide food for the needy." Exhibit I, p. 1.

Through a series of public hearings held across the state (Jersey City, Englewood, Newark, New Brunswick, Camden, Bridgeton, Vineland, Atlantic City, the Borough of Washington, and Morristown) the Commission solicited testimony from those facing hunger, and those working on the local level to meet the needs of families and individuals on a daily basis. Exhibit I, p. 1. The hearings revealed several recurrent themes, including the following:

The problems of satisfying basic needs such as food and shelter are inextricably linked. For those with limited financial resources, the high cost of housing drains the budget, leaving little left for food. One reason resources may be scarce is the inadequacy of grants allotted through public assistance programs, including Aid to Families with Dependent Children (AFDC), Supplemental Security Insurance (SSI), or General Assistance (GA), which are often the sole means of support. For example, according to recent figures reported by the Center on Budget and Policy Priorities in Washington, D.C., the average New Jersey AFDC benefit provides a family income of only 50% of the poverty level. For others, the cost of a rented room without kitchen facilities may exceed the maximum GA grant of \$127 per month. Exhibit I, p. 2.

C. The Harm Caused Recipients by the Woefully Inadequate Level of Assistance is Substantial.

20. It is apparent that, by any standard, the present assistance levels in the State of New Jersey cannot provide GA recipients with the basic necessities of life. The result is that poor people in this state are forced

either to "consume the basic necessities of life at levels of quality and quantity which are substantially lower than what they require under conventional standards of minimum adequacy, or make drastic choices among necessities." Exhibit F, p. 19. For example, they might be forced to give up adequate food, clothing, furniture and transportation in order to maintain a minimally habitable shelter, or they might be forced to forego habitable housing in favor of an adequate diet. Id. See also Exhibit I, p. 1, quoted at p. 12 supra, and Exhibit J, p. 1, quoted in par. 21.

21. In addition, the New Jersey Governor's Task Force on the Homeless estimated that in June, 1983 the number of homeless in New Jersey numbers at a minimum 20,000 (Exhibit J). The Task Force found that the low level of public assistance was a major contributing cause of homelessness:

...While there may be various reasons why individuals are lacking shelter, the basic one is the fact that so many homeless individuals, including recipients of public assistance, do not have sufficient resources to purchase adequate shelter. In fact, homelessness is often caused by the inadequacy of the grant. Many times clients are forced to make a choice between eating, paying their rent and/or utilities or purchasing clothing. Many General Assistance (GA) clients currently inhabiting shelters are doing so because while they are receiving the full amount of the GA standards, \$119 for employable individuals and \$178 for unemployables this amount does not permit them to secure suitable living arrangements. (Exhibit J, p. 14) (See also Exhibits A 2, 3, and 11)

* * *

At the present time, grants are low (50% of the Bureau of Census Poverty Income Guidelines in AFDC and 49% of SSI standards in GA) to the extent that rather than prevent homelessness they actually help to cause it, since clients in many instances are forced into choosing between paying for shelter and/or utilities or other such necessities of life such as food and clothing. (Exhibit J, p. 15)

The problem of homelessness is exacerbated because many of the homeless have severe medical problems:

...the homeless often have health problems or disabilities contributing to their homelessness. Data from a Jersey City shelter revealed that these disorders included alcoholism, epilepsy, crippling disease, amputees, blindness and deafness, but, only about a half-dozen appeared to have mental disorders. In

other areas of the state, however, it has been reported that there are larger numbers of hard-to-place mentally ill homeless. A report from the Camden Coalition on the Homeless, for example, estimates approximately 90 such persons in Camden City alone. It is apparent from these figures that any plan for meeting the needs of the homeless must integrate and incorporate services of existing health care and mental health providers. Report of the Governor's Task Force on the Homeless, Exhibit J, pp. 3-4.

In addition, the status of homelessness causes disease, and exacerbates existing medical problems.

22. In June, 1985, the Governor's Task Force on the Homeless issued a second report. The Report began by noting that "[t]here is a severe and deepening crisis in New Jersey regarding the homeless." Exhibit K, Preface. The Task Force warned:

The crisis of homelessness will deepen and reach epidemic proportions as the problems which fuel it - gentrification, a shrinking of affordable housing, inflation and the grossly inadequate level of public assistance benefits which do not keep up with inflation - worsen. (Exhibit K, Preface) (emphasis added).

The Task Force warned further that:

Current Aid to Families with Dependent Children (AFDC) and General Assistance (GA) levels of public financial assistance are so grossly inadequate that they actually contribute to homelessness. (Exhibit K, p. 4) (emphasis in the original)

23. In addition, the low GA benefits cause hunger as well. See Exhibit J, p. 1, quoted at p. 12 supra. And, as recently stated by Governor Thomas Kean: "hunger and chronic malnutrition remain daily facts of life for hundreds of millions of people throughout the world." Exhibit L.

Petitioners file this petition to alleviate their desperate plight.

D. Government commissions which have studied the issue have called for: (1) the development of a standard of need based on actual living costs; (2) a substantial rise in welfare benefits to meet those needs; and (3) an annual automatic increase to compensate for the rate of inflation.

24. In June 1983, the first report of the Governor's Task Force on the Homeless called for a state policy based on "universal humanitarian principles," stating:

Based on universal humanitarian principles, all persons, regardless of fault, are entitled to the basic human needs for shelter and food and it is the obligation of the State to ensure that these needs are met. (Exhibit J, p. 8).

In order to implement this policy, the Task Force recognized that a substantial rise in welfare benefits was necessary:

Assistance to Families with Dependent Children (AFDC) and General Assistance (GA) grants must be raised to a level where they completely meet the needs [of the recipients]. (Exhibit J, p. 15) (Emphasis in original).

25. The Second Report of the Governor's Task Force on the Homeless went even further. It recommended that "the levels of assistance in the AFDC and GA programs be immediately raised to 100% of the federal poverty guidelines established by the Office of Management and Budget." Exhibit K, p. 4 (emphasis in the original). The Task Force further found that the federal poverty guidelines "constitute a grossly inadequate level of assistance," and therefore recommended that:

[O]ther indicators of need be studied, and that a regulation be promulgated for GA and AFDC recipients, establishing a standard of need based on actual living costs, and that the Department of Human Services request, and the Legislature provide, full funding to meet the standard of need established. Exhibit K, p. 4 (emphasis in the original).

26. As noted, the Division of Public Welfare has conceded that the GA benefits are far below what is necessary, see par. 19b, p. 11 supra, that the insufficiency of welfare grants has been documented, and that there is therefore no need for investigative hearings. (See par. 14-18, pp. 8-10 supra)

27. On October 16, 1985, on World Food Day, Governor Thomas Kean urged the people of our state to take a positive role in this struggle (to end hunger) and to make a personal commitment to participate in year-round anti-hunger activities. Exhibit L.

The State must now heed this call. The matter has been studied and documented, the harm is severe and incalculable, there is no further justification for delay, and the time for action is now.

V. AUTHORITY FOR ACTION

28. Pursuant to N.J.S.A. 44:8-111 the Commissioner of the Department of Human Services is authorized and required to issue all necessary rules and regulations to accomplish the purposes of N.J.S.A. 44:8-107 et seq., the General Public Assistance Law. This petition is also made to the Department of Human Services consistent with the holding of the New Jersey Supreme Court in Texter v. Department of Human Services, 88 N.J. 376 (1982), to the effect that adjustments in benefit levels are in the first instance a matter for administrative determination by the appropriate state agency. See also Abbott v. Burke, 100 N.J. 269 (1985).

VI. ACTION REQUESTED

29. Petitioners request that the Department:

a) Immediately file, with the Office of Administrative Law for publication in the New Jersey Register, pursuant to N.J.S.A. 52:14B-4(f), a notice setting forth the names of the petitioners and the nature of the request.

b) Accept and take affirmative action upon this petition within 30 days of filing by beginning a formal rulemaking proceeding.

c) In view of the extreme urgency in the situations of the individual petitioners and the members of their class, and given the Department's own admission that the insufficiency of grants has already been documented (17 N.J.R. 2273), conduct and complete, within 45 days of the decision to act, all

necessary research and analysis to support rulemaking, including the holding of at least one public hearing, announcement in the New Jersey Register of the initiation of a formal rulemaking proceeding, and requesting any relevant information from all concerned members of the public.

d) Promulgate within 15 days of the completion of research an interim final regulation amending N.J.A.C. 10:85-4.1 and 9.4 to provide that there be established a GA standard of need and, contingent upon a Legislative appropriation, a maximum allowable GA grant at a level sufficient to secure the statutorily and constitutionally required minimally adequate existence levels consonant with the 1983 NSSLP study (adjusted for inflation), or a more current comparable update thereof. The standard of need and levels of assistance should include provisions to permit upward adjustments for special circumstances and exceptional costs where appropriate, particularly in the area of housing.

e) Take all necessary and possible steps within the Executive Branch and with the New Jersey Legislature to implement these new levels.

f) After an appropriate comment period, adopt a final rule setting forth the standards of need and levels of assistance, and including a provision for the annual review and adjustment of these levels in the future to take account of increases in the costs of securing a decent existence.

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