**“REPEAL THE GA BAN”**

**General Assistance Ban for Individuals with Drug Distribution Convictions**

**What does the new law seek to do?** It seeks to give individuals who have paid their debt to society the opportunity for successful re-entry, by removing the lifetime ban on such individuals receiving General Assistance (GA) and establishing eligibility for Emergency Assistance (EA) benefits. GA cash benefits are capped at $140 per month if an individual is considered employable; $210 per month for those unable to work.

**What is the current law?** New Jersey denies GA to single people without children if they have been convicted of any drug distribution offense.[[1]](#footnote-1) Enacted in January 1997 as part of the now-discredited War on Drugs, the ban applies to *any* amount and no matter how *long* ago or what efforts the individual has made to rehabilitate themselves.

**What are the reasons for repealing the ban?** The ban should be repealed for economic efficiency, humanitarian, and moral reasons. Repealing the ban would:

* Save millions of dollars in incarceration and hospitalization costs for individuals who could be stably housed in the community with increased quality of life;
* Significantly reduce homelessness;
* Strengthen the social safety net by providing funding to homeless service providers
* Link persons with mental health and substance abuse issues with appropriate services
* Provide a second chance to people who suffered from addiction

**How does this ban contribute to poverty and homelessness?** GA is an essential part of the small safety net that keeps poor New Jersey citizens from becoming homeless. Eligibility for GA also determines eligibility for Emergency Assistance (EA), which can be used to pay for shelter stays and temporary rental assistance, crucial supports in New Jersey where waiting lists for public housing can be years long. Indeed, some shelter providers cannot afford to accept homeless individuals unless the individual is eligible for EA. Without GA/EA, many banned individuals migrate to tent cities, abandoned buildings, or become institutionalized in hospitals or correctional facilities, trapped in a cycle that they cannot escape and that drains tax dollars.

**Isn’t this ban a fair consequence for people who have distributed drugs?** No, this ban continues to punish people after they have repaid their debt to society and stacks the deck against successful re-entry. This is the only criminal act that has a lifetime ban: a person who commits other crimes such as manslaughter robbery, or sex offenses is allowed to receive GA after serving their sentence. Also, the law disqualifies people convicted of distributing less than one ounce of marijuana.[[2]](#footnote-2) Many poor people have “plead up” to a distribution charge solely because they could not make bail regardless of what actually happened.

**Does the drug distribution ban apply to other forms of assistance, such as SNAP or Medicaid?** No. For SNAP, in 2010 New Jersey opted out of the federal ban on food stamps for those with either drug possession or drug distribution convictions. For Medicaid, as of January 2014, individuals with any past drug conviction are eligible under the Affordable Care Act.

**How would repealing the ban save taxpayer money?** A growing body of evidence has shown that it is more cost-effective to use taxpayer dollars to pay for public assistance and housing than for repeated hospital and jail stays. Repealing the ban will save millions of dollars in incarceration (about $100/day) and hospitalization (about $2,000/day) costs for persons who could be stably maintained in the community with increased quality of life, even though there will be an initial investment of General Assistance dollars.

**Isn’t requiring treatment for everyone with a drug conviction the only way to ensure that people with substance dependency receive treatment?**

Lifting the drug conviction ban will *not* mean that people with substance dependency will be able to receive benefits without undergoing treatment. Rather, Work First New Jersey will refer people with substance dependency to SAI, assess them for need of treatment, and require people with dependency to undergo substance abuse treatment in order to maintain eligibility.

**Example of how the GA ban denies the opportunity for successful re-entry and leads to wasteful spending:** G.F. is a 51 year old man was homeless for over two years and stayed at a homeless shelter. To the best of his recollection he had a distribution conviction over a decade ago. Due to his very fragile medical condition, including diabetes and mental health problems, G.F. had to be transported by ambulance from the shelter to a local hospital on numerous occasions and eventually was moved to a nursing home. **He was not able to secure housing due to the fact that he did not receive GA.** If he had been granted GA and Emergency Assistance it is likely he would have been able to secure housing, which would have been beneficial to his health and prevented his costly emergency room visits and nursing home placement.

Now, GF has been granted SSI benefits and placed into housing. If he had been granted GA/EA benefits, the State would have been reimbursed the bulk of these benefits from his retroactive SSI award.

**ORGANIZATIONS SUPPORTING REPEAL THE BAN**

The Affordable Homes Group

Anti-Poverty Network of New Jersey

Asbury Park Reentry Coalition

Catholic Charities, Diocese of Trenton

Community FoodBank of New Jersey

Community Health Law Project

Drug Policy Alliance

Garden State Equality

Greater Trenton Behavioral HealthCare

HomeFront

Hyacinth AIDS Foundation

New Jersey Association of Mental Health and Addiction Agencies, Inc.

National Council on Alcoholism and Drug Dependence – NJ (NCADD-NJ)

New Jersey Coalition to End Homelessness

New Jersey Institute for Social Justice

Rescue Mission of Trenton

Supportive Housing Association of New Jersey

Working Families

1. NJSA44:10-48(b)(7); NJAC10:90-18.6; NJ ADC 10:90-2.8 [↑](#footnote-ref-1)
2. N.J.S.A. § 2C:35-5 (b)(12). [↑](#footnote-ref-2)