



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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The following Decision is distributed for your information. This Decision has been made in consideration of the specific facts of this case. This Decision is not to be interpreted as establishing any new mandatory policy or procedure otherwise officially promulgated.

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 13295-14 A.A.

AGENCY DKT. NO. C359451 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") in the form of back rent because she was not the leaseholder of the apartment. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On October 22, 2014, the Honorable Kimberly A. Moss, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On October 22, 2014, the ALJ issued an Initial Decision affirming the Agency determination.

Neither party filed exceptions to the Initial Decision.

As the Director of the Division of Family Development, Department of Human Services, I hereby adopt the Initial Decision.

The purpose of EA is to meet the emergent needs of Work First New Jersey ("WFNJ") and Supplemental Security Income ("SSI") recipients. N.J.A.C. 10:90-6.1(a). In order to be eligible for EA benefits, N.J.A.C. 10:90-6.1(c) provides, in relevant part, that the individual must have "an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing."

Here, Petitioner was residing in an apartment with her sister who is the leaseholder.

Her sister became ill and was unable to continue to pay the rent, resulting in an eviction for Petitioner and her sister. The ALJ concluded, and I agree, that the Agency appropriately denied Petitioner EA in the form of back rent because she was not the leaseholder of the current apartment.

By way of comment, while Petitioner is not eligible for EA in the form of back rental payments, she appears to be imminently homeless. Petitioner may reapply for EA without prejudice.

Accordingly, the Initial Decision is hereby ADOPTED and the Agency determination is hereby AFFIRMED.

NOV 06 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director