



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

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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 7891-14 A.A.

AGENCY DKT. NO. V138732 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's termination of Emergency Assistance ("EA") benefits under the Housing Assistance Program ("HAP") pilot. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On August 4, 2014, the Honorable James A. Geraghty, Administrative Law Judge ("ALJ"), held a hearing, took testimony and admitted documents. On August 12, 2014, the ALJ issued an Initial Decision. The ALJ concluded that Petitioner had failed to provide any evidence to support an extension of EA under the HAP beyond the maximum amount of EA he had received.

No exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record and the ALJ's Initial Decision, and I MODIFY the Initial Decision to clarify the regulatory basis supporting the termination of Petitioner's EA benefits.

Petitioner receives \$760 per month in Supplemental Security Income ("SSI") and \$113 per month in Supplemental Nutrition Assistance Program. Petitioner resides with his mother in a house. It appears that Petitioner pays the \$1,000 rent for both himself and his mother. Petitioner has received 53 months of EA. The ALJ noted that Petitioner "is neither homeless nor imminently homeless."

Notably, the Housing Assistance Program ("HAP") pilot, which became effective on July 2, 2012, provides up to 24 months of continued EA to qualified individuals. See 44 N.J.R. 1897(a). Although the Initial Decision indicates that Petitioner has received 24 months of EA under the HAP, it is highly doubtful that Petitioner has exhausted all

EA potentially available to him under the HAP. Considering that HAP went into effect on July 2, 2012, an individual could not exhaust the maximum amount of EA under HAP until July 2014. Yet here, it appears that the last EA received by Petitioner was in March 2014 and as such, Petitioner likely has not exhausted EA under the HAP. Therefore, I modify the Initial Decision to reflect that the exhaustion of HAP cannot serve as a basis to terminate his EA benefits.

Nonetheless, in order to receive EA, including under the HAP, an individual must be "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 . . ." N.J.A.C. 10:90-6.1(c); see also N.J.A.C. 10:90-6.10(a)(indicating that under the HAP an EA recipient must be "otherwise eligible for EA in accordance with N.J.A.C. 10:90-6.1.") In this matter, Petitioner is neither homeless nor imminently homeless. Further, despite receiving EA since 2010, \$760 per month in SSI and the Agency's counsel to locate more affordable housing, Petitioner has failed to plan or take any steps to locate more affordable housing. See Exhibit P-1, Agency Notice, dated Oct. 1, 2011 (approving EA extension but advising Petitioner to look for more affordable housing) and Exhibit P-2, Agency Notice, dated Oct. 1, 2013(approving EA extension but advising to look for more affordable housing).

By way of comment, the Agency is reminded that it must consider "all potential contributions of support to the household, including income received by ineligible household members, . . ." N.J.A.C. 10:90-6.1(c)2. Here, it is unclear as to whether Petitioner's mother, who lives with Petitioner, receives any income or contributes to the rent.

Accordingly, the Initial Decision is MODIFIED and the Agency's action in terminating Petitioner's EA benefits is AFFIRMED.

OCT - 1 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director