



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 10166-14 A.B.

AGENCY DKT. NO. C643980 (MAPLEWOOD TOWNSHIP MWD)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner EA benefits because her monthly mortgage payment exceeds the Fair Market Rent ("FMR") for Essex County. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On September 4, 2014, the Honorable James A. Geraghty, Administrative Law Judge ("ALJ"), held a hearing, took testimony and admitted documents. On September 19, 2014, the ALJ issued an Initial Decision, which affirmed the Agency's denial of EA. The ALJ found Petitioner's residence was not in foreclosure and thus, she was neither homeless, nor imminently homeless. Hence, the ALJ concluded that Petitioner is not entitled to EA because there is no emergency.

On October 7, 2014, Petitioner submitted a Notice of Appeal to the Appellate Division with a letter addressed to the Division of Family Development ("DFD"). In Petitioner's letter, she appeals the ALJ's Initial Decision affirming the Agency's denial of EA. In addition, Petitioner seeks to add a new issue regarding the correctness of her Work First New Jersey/General Assistance payment for March 2014. However, this Final Decision is limited to the issue specifically appealed in Petitioner's fair hearing request, which was the Agency's denial of EA.

As the Director of the DFD, Department of Human Services, I have reviewed the ALJ's Initial Decision and record, and I ADOPT the ALJ's Initial Decision. Here, I agree with the ALJ that Petitioner has not demonstrated an emergency and therefore, is not entitled to EA. See N.J.A.C. 10:90-6.1(c)(authorizing EA when there is "an actual or imminent eviction . . . and the assistance unit is in a state of homelessness or imminent homelessness . . .")

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In addition, I agree with the Agency that Petitioner's monthly mortgage payment exceeds the FMR for Essex County. See DFDI #13-10-07(establishing FMRs for Essex County with a maximum of \$1,865 for a four-bedroom). In the present matter, the applicable FMR for Petitioner, a Work First New Jersey/General Assistance recipient, is \$1,059 for a one-bedroom residence. See DFDI #13-10-07. Thus, the Agency properly denied Petitioner EA because her monthly mortgage payment of \$1,956.83 exceeds the applicable FMR of \$1,059.

By way of comment, the Agency shall refer Petitioner to any and all organizations that may be able to assist with her current needs.

Accordingly, the Initial Decision is ADOPTED.

NOV 06 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director