



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 12502-14 C.R.

AGENCY DKT. NO. S585383 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 3, 2014, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, heard testimony and admitted documents. On October 6, 2014, the ALJ issued an Initial Decision which affirmed the Agency denial of EA.

Neither party submitted exceptions.

As the Director of the Division of Family Development, Department of Human Services, I have independently reviewed the record and hereby ADOPT the Initial Decision and MODIFY the Agency determination.

Petitioner receives Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF"), Supplemental Security Income and Supplemental Nutrition Assistance Program, f/k/a the Food Stamp Program, benefits. The assistance unit consists of Petitioner and four children; aged 8, 6, 4, and 3 years. Two of the children have functional needs.

Petitioner moved from Pennsylvania to New Jersey in April 2014 to live with the father of her two younger children after she left her full-time banking job. In May 2014, Petitioner and her partner signed a two-year lease for a 3-bedroom

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condominium unit, and paid rent through July at a monthly rate of \$1,900.00. Petitioner's partner left the residence on July 1, 2014.

Rent is in arrears since August 2014, although Petitioner alleges her landlord will reduce the rent to \$1,300.00 a month and is "willing to work with her." Utilities are in Petitioner's name only, and in arrears approximately \$300.00.

Petitioner began receiving assistance in August 2014. In late September 2014, Petitioner secured a new job with an October 14, 2014 start date.

The purpose of EA is to meet the emergent needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work activities without disruption and continue on a path to self-sufficiency. 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." N.J.A.C. 10:90-6.1(c). Documentation must be presented to the Agency demonstrating that an eviction is pending or has already occurred. N.J.A.C. 10:90-6.3(a)(1)(ii). However, EA shall not be provided for a period of 6 months when an adult EA applicant has caused his or her own homelessness, without good cause. N.J.A.C. 10:90-6.1(c)(3).

The Agency denied EA in September 2014, and contends Petitioner is not homeless or imminently homeless due to circumstances "beyond [her] control or the absence of a realistic capacity to plan in advance for substitute housing." N.J.A.C. 10:90-6.1(c). Specifically, the Agency alleges Petitioner voluntarily moved to New Jersey without a reasonable plan for employment or substitute permanent housing, and imposed a penalty under N.J.A.C. 10:90-6.1(c)(3).

There is sufficient credible evidence Petitioner had a clear plan for housing and employment, and but for her partner's untimely and unexpected abandonment of the family's residence, would likely not be at risk of imminent homelessness. As such, I agree with the ALJ that the Agency improperly denied her EA application based upon the Petitioner's failure to plan. Furthermore, I direct the Agency to rescind any EA penalty imposed in connection with this matter.

Notwithstanding, the ALJ appropriately found Petitioner was neither homeless nor imminently homeless because she did not have document evidence of an actual or imminent eviction, specifically a court order, tenancy action or equivalent documentation from her landlord. As such, I agree with the ALJ's conclusion that the Petitioner does not qualify for EA at this time.

Petitioner is free to reapply for EA. If she does complete a new EA application, the Agency may not deny her new application on the basis she lacked a plan when she moved to New Jersey or because she had the realistic capacity to plan for substitute housing before her partner abandoned the assistance unit, or otherwise caused her own homelessness.

For the foregoing reasons, I ADOPT the Initial Decision and MODIFY the Agency determination.

OCT 31 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director