



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 14273-14 D.F.

AGENCY DKT. NO. C153437 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from the Respondent Agency's denial of Emergency Assistance ("EA") and the imposition of a penalty. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 14, 2014, the Honorable Irene Jones, Administrative Law Judge ("ALJ"), held a plenary hearing, heard testimony and admitted documents. On November 17, 2014, the ALJ issued an Initial Decision which reversed the Agency determination.

Neither party submitted exceptions.

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

Petitioner receives Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits.

In 2011, Petitioner's spouse suffered serious personal injuries as a result of a motor vehicle collision. In 2012, Petitioner lost her job as a result of a serious medical condition. In 2013, Petitioner lost her long-term apartment and the assistance unit moved in with a friend, with more than 80% of the WFNJ/TANF grant used to pay rent.

In September 2014, the Agency asked Petitioner to produce a Supplemental Security Income denial, a Med-1 form, and MRI reports in connection with her application for EA. In late October, the Agency denied EA and imposed a penalty notwithstanding the timely production of these documents. Having been evicted, Petitioner's two children are now living with their great-grandmother in senior housing in likely breach of her lease agreement, and Petitioner and her spouse are temporarily living with other friends.

The Agency contends Petitioner caused her own homelessness, and generically alleges she had "ample time to plan" for permanent substitute housing.

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 to self-sufficiency. N.J.A.C. 10:90-6.1(a). EA can also be an appropriate form of assistance for WFNJ recipients who are unable to work. N.J.A.C. 10:90-6.1(b).

EA is in relevant part available when there has been "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 in the absence of a realistic capacity to plan in advance for substitute housing." N.J.A.C. 10:90-6.1(c).

EA shall not be provided for a period of 6 months where the recipient adult member has caused his or her homelessness, without good cause. N.J.A.C. 10:90-6.1(c)(3).

There is sufficient credible evidence Petitioner became homeless due to circumstances beyond her control, lacked the realistic capacity to plan for substitute housing, and is eligible for EA.

After more than a year, Petitioner's month-to-month tenancy was terminated when her friend needed the demised space to house other family members. N.J.A.C. 10:90-6.1(c)(1)(i); -6.3(a)(1)(ii).

Under the totality of the circumstances, Petitioner had neither the time nor the means to plan for substitute housing, and there is no credible evidence to the contrary. As long-term unemployed individuals, Petitioner and her spouse previously submitted current 12-month Med-1 forms. Petitioner paid a large, disproportionate percentage of her countable income for rent, and documented attempts to identify and secure substitute housing before she applied for EA.

The Agency should rescind the penalty. Petitioner may immediately and without prejudice reapply for EA which should be timely granted in a form determined by the Agency. N.J.A.C. 10:90-6.3(a)(1). I note Temporary Rental Assistance is the "preferred form of [EA] in all situations, as appropriate." N.J.A.C. 10:90-6.3(a)(6) and (a)(6).

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

DEC - 1 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director