



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 12903-14 F.H.

AGENCY DKT. NO. C076394 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's denial of her request for Emergency Assistance ("EA"). The Agency denied Petitioner's request for EA on the basis that the Petitioner refused placement at a shelter, thereby causing her own homelessness. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On October 22, 2014, the Honorable Gail M. Cookson, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 27, 2014, the ALJ issued an Initial Decision which reversed the Agency determination.

Neither party filed exceptions to the Initial Decision.

As Director of the Division of Family Development, Department of Human Services, I have considered the record for this matter and the ALJ's Initial Decision, and having made an independent evaluation of the record, I accept and adopt the Findings of Fact and Conclusions of Law that are contained in the Initial Decision.

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." However, when the recipient causes her own homelessness, she is ineligible for EA. N.J.A.C. 10:90-6.1(c).

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With regard to the type of EA an individual may receive, the Agency has the discretion to determine the most appropriate form of EA "required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided." N.J.A.C. 10:90-6.3(a)(1). However, Temporary Rental Assistance ("TRA") is the preferred form of EA in all situations, as appropriate. N.J.A.C. 10:90-6.3(c)(6).

The record for this matter demonstrates that the Petitioner, who receives Work First New Jersey/Temporary Assistance for Needy Families benefits on behalf of her four children, lost her prior apartment due to a fire that forced her to evacuate the residence. Petitioner located a new apartment and applied for EA in the form of TRA. However, the Agency did not approve that apartment because it was an illegal basement apartment. The Agency offered the Petitioner a shelter placement in a different town, and Petitioner declined.

The ALJ found that the Agency interpreted Petitioner's rejection of the shelter placement as an attempt by Petitioner to dictate the type of placement offered by the Agency. However, during the hearing the Petitioner, with the help of a translator, clarified that she declined the shelter placement because she did not understand that there were no available placements in the immediate area for mothers and children. As such, the ALJ concluded that the Petitioner's rejection of the shelter placement was the result of a misunderstanding between the Petitioner and the Agency. The fact that the Petitioner presently resides at a temporary shelter placement that she obtained through Catholic Charities lends further support to the ALJ's conclusion. As such, the Agency shall provide the Petitioner with EA in a form to be determined by the Agency. N.J.A.C. 10:90-6.3(a)(1). Petitioner is reminded that she must remain compliant with all EA requirements to continue to receive EA.

Finally, as the record indicates that the Petitioner has an open case with the Division of Child Protection and Permanency ("DCP&P), f/k/a the Division of Youth and Family Services, copies of the Initial and Final Decisions shall be forwarded to DCP&P.

Accordingly the Initial Decision is ADOPTED and the Agency determination is REVERSED.

Signed Copy on File

at DFD, BARA

NOV 18 2014

Jeanette Page-Hawkins
Director