



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 11209-14 H.Z.

AGENCY DKT. NO. GA413216 (HUDSON COUNTY DEPT OF FAM SVCS)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. The Agency denied Petitioner's application because she failed to plan for her emergency. Because Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On October 29, 2014, the Honorable Tiffany M. Williams, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On October 30, 2014, the ALJ issued an Initial Decision, which reversed the Agency's action.

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 ALJ's Initial Decision and the record, and I hereby ADOPT the ALJ's Initial Decision and REVERSE the Agency determination.

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). Where such documentation does not exist, a letter from the landlord or other person serving in such capacity, subject to agency verification, stating that an eviction is imminent or has already occurred, shall be accepted by the Agency. Ibid. However, EA shall not be provided when an individual had the realistic capacity to plan in advance to avoid her homelessness, but failed to do so. N.J.A.C. 10:90-6.1(c)(3).

The record in this matter establishes that Petitioner became homeless or in danger of imminent homelessness on or about July 20, 2014, when Petitioner's mother wrote a letter stating that she (the Petitioner) could no longer live with her because Petitioner was unable to pay any rent or contribute to the household. See R1. This eviction letter is signed by the Petitioner's mother, and notarized on July 25, 2014. See R1. The Petitioner testified that her mother had put her out, and that she has been homeless and staying with friends in Bayonne and Hudson counties. See Initial Decision at Pg. 2.

Based upon the credibility determinations rendered by the ALJ and the documents admitted into evidence, I agree with the ALJ's finding that the Agency's denial of EA was improper. The Petitioner has been evicted from her mother's home and has remained homeless ever since that time. Further, I agree with the ALJ's finding that the Agency failed to rebut or show any evidence that the petitioner had a realistic capacity to plan in advance for substitute housing, but failed to do so. As such, the Petitioner is eligible for EA so long as she meets all other EA criteria.

By way of comment, the Petitioner is reminded that the Agency has the discretion to determine the most appropriate form of EA which is required to address the Petitioner's needs, including placement in a shelter, hotel/motel, or transitional housing. However, the Agency is reminded that that Temporary Rental Assistance ("TRA") is the preferred form of EA in all circumstances, as appropriate. N.J.A.C. 10:90-6.3(a)(6).

Accordingly, the Initial Decision is ADOPTED and the Agency decision is REVERSED.

DEC 10 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director