



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
P.O. Box 716
TRENTON, NEW JERSEY 08625

Chris Christie
Governor

Kim Guadagno
Lt. Governor

Jennifer Velez
Commissioner

Jeanette Page-Hawkins
Director
Tel. (609) 588-2000

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 10612-14 I.A.

AGENCY DKT. NO. GA438060 (ESSEX COUNTY DIVISION OF WELFARE)

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 August 27, 2014, the Honorable Ellen Bedrin Murray, Administrative Law Judge ("ALJ"), held a plenary hearing, heard testimony and issued an Initial Decision which reversed the Agency determination.

Neither party submitted exceptions.

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

Petitioner receives Work First New Jersey/General Assistance ("WFNJ/GA") and Supplemental Nutrition Assistance Program ("SNAP"), f/k/a the Food Stamp Program, benefits. The Agency contends Petitioner is not eligible for EA because the other member of the SNAP household was an unemployed adult college student. See N.J.A.C. 10:90-2.11(b)(3). The ALJ reversed the Agency determination after finding the other individual was not a college student.

The 2013 Appropriations Act, P.L. 2012, c.18 ("Act") superseded N.J.A.C. 10:90-2.11(b)(3) and provides in relevant part that college students are ineligible for WFNJ/GA effective July 1, 2012. More to the point, whether or not a member of the SNAP household is eligible for WFNJ/GA is not exclusively determinative whether Petitioner is eligible for EA.

I offer the following guidance to enable Petitioner to, if necessary, supplement the application for EA, and to facilitate a timely evaluation by the Agency using the criteria set forth at N.J.A.C. 10:90-6.1.

EA is indicated when "shelter costs equal or exceed total recorded income to the WFNJ or Supplemental Security Income assistance unit and the recipient is unable to document other sources of income." N.J.A.C. 10:90-6.1(a)(1).

EA is available where 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).

A lack of a realistic capacity to plan exists when the applicant can document available funds were exhausted on items deemed "appropriate, necessary or reasonable for decent living and such expenditures were made as the result of a significant occurrence or situation, or from meeting the expenses of daily living." N.J.A.C. 10:90-6.1(c)(1)(ii).

"As part of its determination of eligibility for [EA], the agency shall evaluate all potential contributions of support to the household, including income received by ineligible household members, particularly when determining the amount of temporary rental assistance ... to be provided." N.J.A.C. 10:90-6.1(c)(2); -6.3(a)(5).

"A pending eviction or foreclosure must be documented, either through a tenancy complaint filed by the landlord or an order from a court for an eviction or foreclosure. Where such documentation does not exist, a letter from a landlord or other person serving in such capacity ..., subject to agency verification, stating that eviction is imminent or has occurred shall be accepted by the agency." N.J.A.C. 10:906.3(a)(1)(ii).

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

SEP - 5 2014

Signed Copy on File
at DFD, BARA

Jeanette Page-Hawkins
Director