



State of New Jersey

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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 14485-14 I.L.

AGENCY DKT. NO. S583991 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from Respondent Agency's denial of her application for Emergency Assistance ("EA") in the form of Temporary Rental Assistance ("TRA"). The Agency denied Petitioner's request as it asserts that Petitioner is not homeless or imminently homeless. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On November 19, 2014, the Honorable Imre Karaszegi, Jr., Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and entered documents into evidence.

On November 19, 2014, the ALJ issued an Initial Decision reversing the Agency's determination. The ALJ found that Petitioner and her children qualify for an extreme hardship extension of EA pursuant to N.J.A.C. 10:90-6.4(b)(1)(ii)(stating that an EA extension based upon extreme hardship may be granted when "there is imminent danger of the immediate breakup of the family unit, with children needing to be placed in foster care."). See Initial Decision at 3. The ALJ directed that the Agency provide EA to Petitioner and her family in form of TRA or shelter placement, as deemed appropriate. See *id.* at 4.

Exceptions to the Initial Decision were filed by the Agency on November 24, 2014. The Exceptions assert that the provision relied upon by the ALJ, N.J.A.C. 10:90-6.4(b)(1)(ii), "assumes" the involvement of the Division of Child Protection and Permanency ("DCP&P"), and as there was no evidence presented that DCP&P was involved with this family, the ALJ's Initial Decision should be rejected.

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As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and hereby ADOPT the Initial Decision in this matter and REMAND this matter to the Agency for further clarification as to Petitioner's EA history, if any.

The purpose of EA is to meet the needs of public assistance recipients, such as imminent homelessness, so that the recipient can participate in work related activities without disruption in order to continue on the path to self-sufficiency. See N.J.A.C. 10:90-6.1(a). EA benefits are limited to twelve cumulative months, plus limited extensions for an "extreme hardship" where the recipient has taken "all reasonable steps to resolve the emergent situation but the emergency nonetheless continues or a new emergency occurs, which causes extreme hardship to the family." N.J.A.C. 10:90-6.4(b); see also N.J.S.A. 44:10-51. Specifically, a Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") recipient, such as Petitioner, may qualify for an additional six months of EA when an "extreme hardship" exists. *Ibid.* In the event the recipient's extreme hardship continues to exist at the expiration of the six-month extension period, an additional six months of EA may be provided. *Ibid.* Thus, the maximum amount of EA that a WFNJ/TANF benefits recipient may receive is twenty four months.

I concur with the ALJ that Petitioner has now presented evidence, not provided at the time of her application, that she is now imminently homeless as a result of the inability to continue to reside in her Mother's apartment due to issues with the Mother's landlord. See Exhibit P-1. Accordingly, I agree with the ALJ that Petitioner is eligible for EA benefits.

The record in this matter is silent, however, as to how many months of EA assistance Petitioner, who is a WFNJ/TANF client, has previously received, if any. As such, it is unclear if Petitioner has exhausted her lifetime limit of 12 months of EA assistance. If Petitioner has exhausted her lifetime limit, Petitioner may be eligible for an extreme hardship extension, see N.J.A.C. 10:90-6.4, as discussed above.

Therefore, I am remanding this matter back to the Agency to clarify Petitioner's EA status and thereafter, to consider Petitioner's eligibility for any further EA benefits under the lifetime limit, if that has not been exhausted, or if it has, then under the extreme hardship extension provisions.

Accordingly, the Initial Decision is hereby ADOPTED and the matter is REMANDED to the Agency for further clarification consistent with this decision.

Signed Copy on File
at DFD, BARA

DEC - 1 2014

Jeanette Page-Hawkins
Director