



**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 9839-14 K.M.

AGENCY DKT. NO. GA420155 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from Respondent Agency's denial of Emergency Assistance ("EA") benefits. Because the Petitioner appealed, this matter was transmitted to the Office of Administrative Law for a hearing. On August 11, 2014, the Honorable Irene Jones, Administrative Law Judge ("ALJ"), held an emergent hearing, took testimony and admitted documents. On August 12, 2014, the ALJ issued an Initial Decision. The ALJ found Petitioner was imminently homeless because she is residing in an illegal apartment and as a result is entitled to Temporary Rental Assistance ("TRA"). The ALJ ordered Petitioner to complete a new EA application. The ALJ further ordered that the Agency provide Petitioner with a TRA application to be completed by the landlord if the Agency approves the monthly rent of an apartment Petitioner has located.

No exceptions were filed in this matter.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed this matter and AFFIRM and MODIFY 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). When a WFNJ recipient qualifies for EA, the "county/municipal agency shall determine the most appropriate form of emergency housing which is 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). Such emergency housing includes placement in a shelter. Ibid.

Here, I agree with the ALJ that Petitioner is imminently homeless because she must vacate her illegal apartment. However, I modify the Initial Decision to reflect that the Agency has the discretion to identify the most appropriate form of emergency housing to meet Petitioner's needs. See N.J.A.C. 10:90-6.3(a)(1). Therefore, the Agency shall determine and provide Petitioner with EA in the most appropriate form to meet her needs, including a shelter placement.

Notably, according to the Agency's Fair Hearing Summary, the Agency offered Petitioner a shelter placement, but Petitioner refused the shelter placement. Unfortunately, the Initial Decision does not address this offer, but if it is accurate, the Agency's prior offer of a shelter placement was consistent with N.J.A.C. 10:90-6.3(a)(1)(i) and especially appropriate in light of Petitioner's need to vacate her illegal apartment. As such, if the Agency offers Petitioner a shelter placement again, Petitioner is urged to reconsider the shelter placement. While Petitioner resides in the shelter placement, she may work with the Agency to complete the necessary paperwork for the apartment she has located, and if that apartment is not approved, she may continue to reside in the shelter during her search for more permanent affordable housing.

By way of comment, Petitioner does not need to complete another EA application. However, the Agency should provide Petitioner with the necessary landlord paperwork for the apartment she has located forthwith. In addition, because the Initial Decision indicates Petitioner is involved with the Division of Child Protection and Permanency ("DCP&P"), a copy of the Initial and Final Decisions will be sent to the DCP&P.

Accordingly, the Initial Decision is AFFIRMED and MODIFIED.

**AUG 27 2014**

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director