



*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 10004-14 K.Q.

AGENCY DKT. NO. V985745 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals the Respondent Agency's denial of Emergency Assistance ("EA") in the form of retroactive Temporary Rental Assistance ("TRA"). Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On August 15, 2014, the Honorable Leland S. McGee, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony and admitted documents. On August 18, 2014, the ALJ issued an Initial Decision which affirmed the Agency determination.

Petitioner submitted exceptions on August 19, 2014.

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

Petitioner receives Social Security Disability Insurance ("SSD") and Supplemental Security Income benefits. Petitioner's spouse receives SSD benefits. The assistance unit has total countable monthly income of \$1,124.25; the unit's rent is \$896.00 plus utilities.

Petitioner contends she did not pay June rent in order to pay a utility bill, although the rent is now three months in arrears and Petitioner is as a result either imminently homeless or homeless. The Agency contends Petitioner did not provide sufficient information to enable it to make a determination of EA eligibility, and that she had adequate funds and the ability to prevent homelessness. The ALJ found Petitioner

submitted sufficient information to permit a determination of EA eligibility, but that

Petitioner had both the available funds and the capacity to prevent homelessness.

EA is available when 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).

Although Petitioner generally contends the assistance unit does not have adequate income, she did not produce sufficient credible evidence that shelter costs equal or exceed total recorded income. N.J.A.C. 10:90-6.1(a)(1). Specifically, Petitioner did not document that 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).

Receipt of EA is contingent upon the Petitioner taking reasonable steps towards resolving the emergent situation, including but not limited to following Agency recommendations. N.J.A.C. 10:90-6.6(a). In addition, EA shall not be provided for a period of 6 months when an adult EA applicant or recipient has available funds and the capacity to prevent homelessness. N.J.A.C. 10:90-6.1(c)(3)(v). I note Petitioner has lived in the same apartment for several years, similar rent/utility issues are apparently a recurring concern, and there is little demonstrated effort to obtain suitable, more affordable housing.

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

**SEP - 5 2014**

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director